

DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR 2018

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON HOMELAND SECURITY

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2018

THURSDAY, MAY 18, 2017.

COAST GUARD REQUIREMENTS, PRIORITIES, AND FUTURE ACQUISITION PLANS

WITNESS

ADMIRAL PAUL F. ZUKUNFT, COMMANDANT, U.S. COAST GUARD

OPENING STATEMENTS

Mr. CARTER [presiding]. Good morning. Subcommittee will come to order. I see that some of our colleagues have a hard time getting up in the morning.

Mr. RUPPERSBERGER. Do we get an award for the ones who came in?

Mr. CARTER. Absolutely. Special red star by your name. You get to brag. Maybe even a gold—from Baltimore, yes—got up and drove here.

Welcome, to everybody. We are really glad to have you.

Admiral, we are pleased to have you.

Here comes brother Cuellar. Sure some others will be here. Others will be coming in soon, and I am glad that we have got everybody here.

Admiral Zukunft, we are getting started on another year. We are really grateful that you are here this morning to talk to us about what is going on with the Coast Guard.

As you are aware, we are all aware that we don't have our—have the budget out yet, but we are—because we are on a kind of a crammed up schedule to get things done on next year's budget—next year's appropriations bills, we thought you cluing us in about the needs, we will be able to have a memory of that as we get—when we get our budget and then we will come back to it and talk about it.

The Coast Guard has a complex mission requiring significant resources including vessels, aircraft, and especially personnel. With responsibilities ranging from securing the Nation's borders, safeguarding maritime commerce, and ensuring environmental stewardship of the U.S. ports and waterways, to interdicting drug trafficking and illegal immigration, and combating transnational crime, these challenges are diverse and require a force that is robust, agile, and well-equipped.

Congress provided substantial funding in the fiscal year 2017 omnibus appropriations to improve readiness, recapitalize vessels and aircraft, modernize shore facilities, and recruit and retain a

quality force. The committee is eager to hear from you on how you intend to sustain these efforts along with your priorities and concerns. I am especially interested in your plans to recapitalize the Coast Guard's aging fleet and vessels and aircraft.

With the funding Congress provided in fiscal year 2017 the Coast Guard now has four vessel modernization programs underway. The NSC and FRC programs are well established. I would like to hear the Coast Guard's plans for the polar icebreaker and the offshore patrol cutter, as well as plans for addressing the remaining vessels in your fleet, many of which are past their useful life.

In addition, in your recent State of the Coast Guard address you stated a bigger force is needed. I look forward to hearing from you on what is driving the staffing requirements and on strategies to fund this growth, especially in light of the recapitalization efforts that the Coast Guard will need to continue to address in the future budget submissions.

Although the fiscal year 2018 budget isn't expected until next week, unmet needs will remain. The subcommittee will face tough decisions to ensure critical priority programs are adequately funded and that all funding appropriated is, in fact, executable. Your testimony today will help guide this committee in making those tough decisions.

After we receive your budget, I look forward to a candid discussion about unmet needs that were not addressed.

Admiral, every agency is operating in a constrained resource environment. However, I believe few can match the Coast Guard's consistently excellent performance recruiting and maintaining a quality force, sustaining operations with aging assets, recapitalizing for the future, and taking care of Coast Guard families. This is no easy task.

I commend the leadership and the Coast Guard men and women who serve this Nation so very ably.

And I also want to take this opportunity to commend Commander JoAnn Burdian as she completes her assignment as the Coast Guard's liaison to the House of Representatives. I have dealt with many liaison officers from our military services as chairman of this subcommittee and a member of the Defense Appropriations Subcommittee, and I can tell you that Commander Burdian is one of the best. An ardent, responsible, and trustworthy advocate, she has been invaluable—an invaluable asset to the staff and the force multiplier for the Coast Guard.

I and my staff will miss her and wish her well in her next assignment, where I know she will continue to serve the Nation and the Coast Guard with distinction.

Before I turn to the admiral for his statement, the text of which will be included in the record, I first want to recognize my distinguished ranking member, Ms. Roybal-Allard, for any remarks she may wish to make.

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman.

Welcome, Admiral, to this morning's hearing.

The Coast Guard has a critical set of missions that we must properly support. That is why I was pleased we were able to provide funding above the fiscal year 2017 request for the Coast Guard, including \$233 million above the request for the acquisition,

construction, and improvements account, which funds the recapitalization of the Coast Guard air and marine assets; and \$92 million above the request for operating expenses.

As was mentioned, we don't currently have any detail on what is included in the fiscal year 2018 budget request for the Coast Guard. However, with this administration's focus on border security we have seen in the "skinny budget" the other DHS programs are cut.

With the forthcoming 2018 request in mind, we need to know how the Coast Guard is operating and what resources are needed to support your important missions, especially for personnel and operations.

I also would like to thank JoAnn Burdian for her hard work with the Appropriations Committee on behalf of the Coast Guard and the American people and wish her well on her next assignment. She will be with us for a little while longer, but this is probably our last opportunity to publicly recognize her service.

Thank you again for joining us this morning, Admiral, and I look forward to our discussion.

Mr. CARTER. Admiral, before you begin I want to recognize your lovely wife here today with us. I have had the pleasure of being at your home and also traveling with you, and I know that she is the wind beneath your wings. So we are very proud to have her here today.

You may proceed.

Admiral ZUKUNFT. Good morning, Chairman Carter and Ranking Member Roybal-Allard. And first of all, thank you for calling out the many accomplishments of JoAnn Burdian. And I will stay; she will leave. But we have many great Coastees, and certainly many that will be able to fill her place.

I also want to thank the distinguished members of this subcommittee and thank you for the opportunity to speak with you today. And especially I thank you for your support of the United States Coast Guard. In particular, I appreciate your advocacy for the fiscal year 2017 consolidated appropriation as it funds key readiness and modernization initiatives and better positions us to address today's evolving challenges.

I ask that my written statement be entered into the record.

Mr. CARTER. It will be.

Admiral ZUKUNFT. The Coast Guard is first and foremost an armed service that advances national security objectives in ways that no other armed service can. It begins with our authorities that include over 60 bilateral agreements to enforce rule of law in the territorial seas and on the high seas around the world, and many foreign nations depend on the United States Coast Guard to be their maritime law enforcement against transnational criminal organizations.

Applying these authorities, in 2016 we removed a record 201 metric tons of cocaine and we brought 585 smugglers—these are transnational criminals—to justice here in the United States, where our prosecution rate is 100 percent. It is less than 10 percent in their nations of origin.

And today our greatest challenge in this campaign is really one of platforms and people. And we must maintain our current pace

in recapitalizing the Coast Guard fleet while advancing shore-based unmanned aerial systems to enhance our surveillance capacity.

So in 2016 we awarded a contract to complete the buildout of our fleet of 58 fast response cutters, all at an affordable price, and Bollinger Shipyards delivered the most recent four with zero discrepancies. And we awarded the acquisition of the first nine off-shore patrol cutters to Eastern Shipbuilding Group, the down payment for a program of record of 25 of these very capable platforms that meet our requirements—and again, at an affordable price.

And we are cutting steel today at Huntington Ingalls Shipyard on the ninth national security cutter. We have also stood up an integrated program office with the Navy and awarded industry studies to commence the buildout of a fleet of three heavy and three medium icebreakers—all meaningful steps to keep our Nation on an accelerated path to deliver the first heavy icebreaker in 2023.

And we also received our fourth consecutive clean financial audit opinion and have minimized acquisition cost growth and timeline slippages.

The Coast Guard is the only armed service that has been funded below the Budget Control Act floor in our annualized operations and maintenance appropriation. Going forward, we will need 5 percent annual growth in our operations and maintenance accounts and at least \$2 billion for major acquisitions to operate and maintain our assets and preserve our acquisition programs.

And I am working to rebuild our long-overlooked inland fleet of 35 inland construction tenders with an average age of 52 years. Now is the critical time in sustaining our inland rivers system and overall maritime transportation system that contribute \$4.5 trillion of commerce on an annual basis. This fleet is essential to our economic and our national security.

And finally, we need to grow the Coast Guard and with respect to our most critical asset: our people. Over the next 5 years we need to restore the 1,100 reserve billets that were taken out of circulation as we faced difficult budget priorities, and we need to bring on another 5,000 active duty members into our service over the next 5 years while sustaining our more than 8,500 civil servants.

This is the direction that the world's best coast guard—our United States Coast Guard—must steer into the future.

And so on that note, I sincerely thank the unwavering support of this subcommittee to address our most pressing needs. With the continued support of the administration and Congress, the Coast Guard will remain *semper paratus*—always ready.

Thank you for the opportunity to testify today, and I look forward to your questions.

[The information follows:]

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**TESTIMONY OF
ADMIRAL PAUL F. ZUKUNFT
COMMANDANT, U.S. COAST GUARD**

ON

THE FUTURE OF THE U.S. COAST GUARD

**BEFORE THE
HOUSE APPROPRIATIONS
HOMELAND SECURITY SUBCOMMITTEE**

MAY 18, 2017

Good morning Mr. Chairman and distinguished members of the Subcommittee. I appreciate the opportunity to testify today and thank you for your enduring support of the United States Coast Guard.

As the world's premier, multi-mission, maritime service, the Coast Guard offers a unique and enduring value to the Nation. The only branch of the U.S. Armed Forces within the Department of Homeland Security (DHS), a federal law enforcement agency, a regulatory body, a first responder, and a member of the U.S. Intelligence Community – the Coast Guard is uniquely positioned to help secure the border, combat transnational criminal organizations (TCO), and safeguard America's economic prosperity.

Indeed, the Coast Guard's combination of broad authorities and complementary capabilities squarely align with the Administration's priorities, and I am proud of the return on investment your Coast Guard delivers on an annual basis.

I appreciate the unwavering support of this Subcommittee to address our most pressing needs. I will continue working with Secretary Kelly, the Administration, and this Congress to preserve momentum for our existing acquisition programs and employ risk-based decisions to balance readiness, modernization, and force structure with the evolving demands of the 21st century.

Appropriately positioned in DHS, the Coast Guard is a military Service and a branch of the Armed Forces of the United States at all times.¹ We are also an important part of the modern Joint Force,² and a force multiplier for the Department of Defense (DoD). I am proud of our enduring defense contributions to Combatant Commanders around the globe.

¹ 14 USC § 1.

² In addition to the Coast Guard's status as an Armed Force (10 U.S.C. § 101), see also Memorandum of Agreement Between the Department of Defense and the Department of Homeland Security on the Use of Coast Guard Capabilities and Resources in Support of the National Military Strategy, 02 May 2008, as amended 18 May 2010.

In addition to the six cutters operating as part of Patrol Forces Southwest Asia (PATFORSWA) since 2003, other defense operations include:

- Port Security Units (PSUs) support Combatant Commanders with 24-hour protection of vessels, waterways, and port facilities. These specialized teams have deployed almost continuously to strategic ports in Kuwait and in Guantanamo Bay, Cuba, since 2002.
- Deployable Specialized Forces Advanced Interdiction Teams support U. S. Central Command (CENTCOM) vessel board, search, and seizure operations.
- Aircrews perform rotary-wing air intercept operations in support of the North American Aerospace Defense Command (NORAD). Specially trained aviators intercept aircraft that enter restricted airspace in the National Capital Region and during National Security Special Events around the country.
- Assets and personnel deploy worldwide in support of defense operations and fully participate in major international exercises. As the Coast Guard is similar in size, composition, and missions to most of the world's navies, we are a frequent engagement partner of choice to support Combatant Commander goals.

Like the other military Services, the Coast Guard supports all efforts to rebuild the Armed Forces.

Secretary Kelly leads the Department's efforts to secure our borders, and the Administration's strategy "to deploy all lawful means to secure the Nation's southern border..."³ relies on the Coast Guard supporting a comprehensive security strategy. The Coast Guard protects the maritime border – not just here at home, but also off the coast of South and Central America. As Secretary Kelly has stated, "...the defense of the southwest border really starts about 1,500 miles south..."⁴

We continue to face a significant threat from TCOs, and the Coast Guard is positioned to attack these criminal networks where they are most vulnerable, at sea. We leverage over 40 international maritime law enforcement bilateral agreements to enable partner nation interdictions and prosecutions, and employ a robust interdiction package to seize multi-ton loads of drugs at sea before they can be broken down into small quantities ashore.

In close collaboration with partner Nations and agencies, the Coast Guard works to engage threats as far from U.S. shores as possible. In 2016, Coast Guard and partner agencies interdicted more cocaine at sea than was removed at the land border and across the entire nation by all federal, state and local law enforcement agencies – combined. A service record 201.3 metric tons of cocaine (7.1% of estimated flow)⁵ was removed from the western transit zone, 585 smugglers were detained, and 156 cases were referred for prosecution.

³ Executive Order on Border Security and Immigration Enforcement Improvements, 25 January 2017.

⁴ Secretary Kelly Hearing Testimony, "Ending the Crisis: America's Borders and the Path to Security" before the House Homeland Security Full Committee and Subcommittee on Border and Maritime Security Joint Hearing on America's Borders, Panel 1, 07 February 2017.

⁵ [US Department of Homeland Security, Office of Inspector General, *Review of U.S. Coast Guard's Fiscal Year 2016 Drug Control Performance Summary*, OIG Report, OIG-17-33, February 1, 2017.]

Coast Guard readiness relies on the ability to simultaneously execute our full suite of missions and sustain support to Combatant Commanders, while also being ready to respond to contingencies. Your Coast Guard prides itself on being *Semper Paratus* – Always Ready, and predictable and sufficient funding is necessary to maintain this readiness in the future. Prudence also demands we continue investing in a modernized Coast Guard. Indeed, recapitalization remains my highest priority, and today's activities will shape our Coast Guard and impact national security for decades. Your support has helped us make tremendous progress, and it is critical we build upon our successes to field assets that meet cost, performance, and schedule milestones. I am encouraged by our progress to date.

In 2016, we awarded a contract to complete build out of our fleet of 58 Fast Response Cutters – at an affordable price – and the last four ships (numbers 19 through 22) were delivered by Bollinger Shipyards with zero discrepancies. In September, we achieved a monumental goal with the award of a contract for Detail Design and Construction of the Offshore Patrol Cutter (OPC). These cutters will eventually comprise 70 percent of Coast Guard surface presence in the offshore zone. OPCs will provide the tools to more effectively enforce federal laws, secure our maritime borders by interdicting threats before they arrive on our shores, disrupt TCOs, and respond to 21st century threats. With the continued support of the Administration and Congress, we anticipate ordering long lead time material for the first OPC later this year, and plan for its delivery in 2021.

We also generated momentum to build new polar icebreakers. In July of last year I made a commitment to partner with the Navy to establish an Integrated Program Office to acquire new heavy icebreakers. This approach leverages the expertise of both organizations and is delivering results. The recent award of multiple Industry Studies contracts – a concept the Navy has utilized in previous shipbuilding acquisitions to drive affordability and reduce schedule and technical risk – is an example of the positive results of this partnership. We will continue refining the system specification and prepare to release a request for proposal for Detail Design and Construction in FY 2018.

We are also making progress with unmanned aerial systems. A recent small Unmanned Aerial System (sUAS) proof of concept aboard a National Security Cutter (NSC) validated this capability and will enhance the effectiveness of these cutters. In its inaugural month underway, STRATTON's sUAS flew 191 flight hours, providing real-time surveillance and detection imagery for the cutter, and assisting the embarked helicopter and law enforcement teams with the interdiction or disruption of four go-fast vessels carrying more than 5,000 pounds of contraband. In addition, we are exploring options to build a land-based UAS program that will improve domain awareness and increase the cued intelligence our surface assets rely upon to close illicit pathways in the maritime transit zone. While long-term requirements are being finalized, I can fully employ a squadron of six platforms outfitted with marine-capable sensors now and am moving out to field this much-needed capability.

In addition to the focus on recapitalizing our surface and aviation fleets, we are also mindful of the condition of our shore infrastructure. Investments in shore infrastructure are also critical to modernizing the Coast Guard and equipping our workforce with the facilities they require to meet mission.

America's economic prosperity is reliant on the safe, secure, and efficient flow of cargo through the Maritime Transportation System (MTS), which sees \$4.5 trillion of economic activity annually. The Nation's maritime industry and the MTS face many challenges, including growing demands, a global industry-driven need to reduce shipping's environmental footprint, and the ever-increasing complexity of systems and technology.

Coast Guard marine safety programs employ our unique capabilities to ensure a safe, secure, and environmentally sound MTS. We do this by developing risk-based standards, training and employing a specialized workforce, and conducting investigations into accidents and violations of laws so standards can be improved. We are mindful of the need to facilitate commerce, not impede it, and remain committed to our prevention missions.

While readiness and modernization investments will improve current mission performance, the right force is central to success. I am incredibly proud of our 88,000 active duty, reserve, civil service, and auxiliary members. I am working aggressively to validate a transparent and repeatable model to identify the appropriate force structure required for the Coast Guard to simultaneously respond to global, national, and regional events.

Funding 21st century Coast Guard platforms and people is a smart investment, even in this challenging fiscal environment. Modern assets bring exceptional capability, but our greatest strength will always be our people. Coast Guard operations require a capable, proficient, and resilient workforce that draws upon the broad range of skills, talents, and experiences found in the American population. Together, modern platforms and a strong, resilient workforce will maximize the Coast Guard's capacity to meet future challenges.

History has proven that a responsive, capable, and agile Coast Guard is an indispensable instrument of national security. With the continued support of the Administration and Congress, the Coast Guard will continue to live up to our motto. We will be *Semper Paratus – Always Ready*. Thank you for the opportunity to testify before you today and for all you do for the men and women of the Coast Guard. I look forward to your questions.



Admiral Paul F. Zukunft

Commandant, U.S. Coast Guard



Admiral Paul Zukunft assumed the duties of the 25th Commandant of the U.S. Coast Guard on May 30, 2014. He leads the largest component of the Department of Homeland Security, composed of 88,000 personnel including active duty, reserve, civilian and volunteer Auxiliaries.

Prior to this, Admiral Zukunft served as Commander, Coast Guard Pacific Area, where he was operational commander for all U.S. Coast Guard missions in an area encompassing more than 74 million square miles and provided mission support to the Department of Defense and Combatant Commanders. Other Flag assignments include Commander of the Eleventh Coast Guard District and Director, Joint Interagency Task Force West, where he served as executive agent to United States Pacific Command for combating Transnational Criminal Organizations in the Asia-Pacific Region.



In 2010, Admiral Zukunft served as the Federal On-Scene Coordinator for the Deepwater Horizon Spill of National Significance where he directed more than 47,000 responders, 6,500 vessels and 120 aircraft during the largest oil spill in U.S. history. His senior staff assignments included Chief of Operations, Coast Guard Pacific Area and Chief of Operations Oversight, Coast Guard Atlantic Area where he directly supervised all major cutter operations in the Atlantic and Pacific theaters. He also served as Chief of Staff, at the Fourteenth Coast Guard District in Honolulu, Hawaii.

Admiral Zukunft has commanded six units and served extensively in the cutter fleet where he commanded the cutters CAPE UPRIGHT, HARRIET LANE, and RUSH.

A native of North Branford, Connecticut, Admiral Zukunft graduated from the U.S. Coast Guard Academy in 1977 with a Bachelor of Science degree in Government; from Webster University in 1988 with a Master of Arts degree in Management; and from the U.S. Naval War College in 1997 with a Master of Arts degree in National Security and Strategic Studies. He is a graduate of the Asia Pacific Center for Strategic Studies Executive Seminar and Harvard's Kennedy School of Government National Preparedness Leadership Initiative course.

His personal awards include both the Department of Homeland Security and Coast Guard Distinguished Service Medals, Defense Superior Service Medal, three Legions of Merit and five Meritorious Service Medals with "O" device among others.

RECAPITALIZATION OF THE COAST GUARD

Mr. CARTER. I thank you, Admiral.

We are—keep a time clock, but we are going to loosely keep the time clock. We are here to get information today.

I want to start off with something you just mentioned that I have been looking at and thinking about. You state the recapitalization of the Coast Guard is the highest priority. However, many vessels that you operate have reached or surpassed their projected service life—the inland cutter fleet in particular, which you just mentioned.

This is so vital to the \$4.5 trillion of economic activity that occur on our Nation's waterways, and they are in desperate need of replacement. Only 10 of the 35 cutters are under 50 years old, and one that was commissioned in 1944. We don't even want to think of how old that is.

The magnitude of this recapitalization and modernization effort will require tradeoffs annually. Beyond the major programs like the NSC, the FRC, the OPC, and the polar icebreaker, does the Coast Guard have a viable plan to address the requirements of this vital but aged fleet, and what strategic risk are you taking as a consequence of focusing the recapitalization program on the NSC, FRC, and OPC, and the icebreaker?

Admiral ZUKUNFT. Chairman, thank you for that question.

And this is not a new need, a new requirement. This is one that has lingered over time as we looked at other programs, other major acquisitions, and we did not want to put those acquisition programs at risk.

But eventually you have to air out your dirty laundry. And this is the time to do that. This provides full disclosure of what our unmet requirements are.

As we build out the national security cutter, actually the ninth national security cutter will cost less than the sixth. As we look at keeping a hot product line going and then realizing economies of scale, the cost of those are coming down.

The fast response cutters are now coming out with zero discrepancies. So with mature product lines we are driving down costs and then holding requirements steady.

We have already reached out to the Army Corps of Engineers in looking for a commercial off-the-shelf design for an N-1 tender that can be modified depending on where it is going to be operating but would have the same engines, basically the same design, and can be built for roughly about \$25 million a copy in a commercial shipyard here in the United States, which would also stimulate job growth, as well.

When you actually go down to the waterfront and you go on this—the Coast Guard cutter Smilax, which is, in fact, 73 years old, the first thing you notice are there are no women assigned to it because these ships were not designed for mixed-gender crews back in the 1940s. We have done a lot of lead and asbestos mitigation to make sure that these are still safe to, you know—are habitable, and if they are not we take them out of service.

But at the end of the day, I mean, this is what maintains our infrastructure, our inland waterway system. And through that wa-

terway that connects the deep-water ports are over \$4.5 trillion of commerce each and every year.

The heartland of the United States are maritime states in the true sense—Kentucky, Tennessee, Ohio, Illinois, and so on down the upper Mississippi River, lower Mississippi River. When you look at the latticework of waterways that we have and what the—what burden that takes off our other highways, it really is what I would call geographic envy to any other Nation that looks at our geography, but again, maintained by this fledgling fleet of 35 ships. The time to replace them have arrived.

Mr. CARTER. One other quick question: In your State of the Coast Guard address you stated that emerging global threats warranted an increase in the NSC program from eight to nine ships. There is no question the national security cutter is a tremendous asset, performing well above expectations. It is, however, one of the many tools in the toolkit that the Coast Guard needs to successfully execute its complex and diverse missions.

Funding a capital ship like the NSC is expensive. As you know, we will be faced with a budget decision to include production funding for a 10th NSC in the fiscal year 2018 budget. Will adding more NSCs and reducing or foregoing other recapitalization efforts like the OPC, FRC, and inland cutters better serve the Coast Guard?

Admiral, let me ask you today, as I will ask the secretary next week, does the Coast Guard need more national security cutters to execute its 11 statutory missions? Will the 10th cutter endanger other priority recapitalization programs like the offshore patrol cutter, the fast response cutter, or the polar icebreaker? Please be specific.

Admiral ZUKUNFT. Thank you, Chairman. And I have gone on record in the past when we laid out our program of record for eight national security cutters, with our biggest concern being any additional growth, what risk that would impinge upon the buildout of the offshore patrol cutter.

What we received was topline relief to build a ninth national security cutter with long lead-time materials. In fact, that ship is under construction right now.

Will we put that ship to use? Absolutely. In fact, today one of our national security cutters, the Hamilton—she is still in her first year of service—will be returning to port with 17 metric tons of cocaine. In fact, there are 27 metric tons of cocaine on Coast Guard cutters today.

So when we looked at what our requirements were for our entire fleet, our full program of record, we didn't have global refugee flows, we did not have trafficking activity, we weren't addressing the nine-dash line, and we weren't addressing potential conflict with North Korea. So the world has changed at a much more accelerated pace since we built out this program of record.

But I will be specific. The offshore patrol cutter is our number one priority in recapitalizing our legacy fleet of today.

A 10th national security cutter, yes, if that is funded upon the top line will I put it to use? Absolutely.

But we need to look at what the follow on, the out-year costs are, as well—not just the initial acquisition but, as I mentioned earlier,

it is our annualized operating and maintenance funding. That needs to be built into this algorithm, as well—not just acquisition, but the sustainment piece of that, as well.

Mr. CARTER. And I agree with that.

Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. This review will lead to a permanent end to live tissue training.

Can you tell me how the review will proceed, what will be examined, and if experts from within our outside of the Coast Guard will be used?

Admiral ZUKUNFT. Ranking Member, this will in all likelihood be a contract service, just as the legacy live tissue training was. And like you, I found that, quite honestly, abhorrent, in terms of meeting our mission requirements.

So we will move to a simulation. It may be more expensive, but for us it will be the right thing to do to prepare our Coast Guard members who may be deployed to theaters where they may encounter traumatic injuries.

Ms. ROYBAL-ALLARD. Okay. I believe there is some evidence, however, that it is cheaper to do it this way, so I am hoping that that will be true.

Admiral ZUKUNFT. Yes, ma'am. And again, I look at this as the right thing to do.

Ms. ROYBAL-ALLARD. Thank you.

CYBER SECURITY

This past week we saw the devastating effects of a cyberattack involving ransomware across many countries, and the news has reported that over 100,000 organizations have been affected in 150 countries. As vital physical infrastructure is increasingly dependent on the Internet, the potential damage of these attacks increases significantly.

The Coast Guard is responsible for cybersecurity for one such piece of infrastructure, and that is, you know, the ports. What would be the impact of such an attack to the movement of commerce, and what would be the impact of a delay in operations mean to commerce if the ports were to shut down even for an hour or a day?

Admiral ZUKUNFT. Ranking Member, this probably goes back to 2014 when there was a work delay on the West Coast as the long-shoreman workers were revisiting their contract renewal for 5 years. When I went out there I flew over the ports of L.A. Long Beach and I counted over 70 fully laden container ships anchored offshore because they could not engage in commerce.

That immediately impacts the Rust Belt, the manufacturing floors. It affects the stocking in major distributors. We live in a just-in-time environment. The daily cost is over \$1 billion a day, and then the jobs that get added onto that, as well.

This was a man-made disruption. The very same thing can happen because about 90-plus percent of our ports are fully automated. They have taken the human out of the equation, if you will, so everything from cargo manifests to actually moving and then forwarding that container, as well.

So industry is turning to the Coast Guard in terms of what are the, you know, the national standards, if you will, for cybersecurity.

I am engaged personally with the international maritime organizations. We just don't look at the United States; we need to look at the entire international global supply chain, and then how do we codify and then share best practices internationally?

And so we find the Coast Guard drawn more and more in in terms of being, in terms of a sector, maritime—to be, you know, the oversight, if you will—not a regulatory but, you know, disseminating best practices in terms of how can we prevent a cyber intrusion, and then also turning to industry to report to us so that we know that there has been an intrusion in case this is a coordinated effort to disrupt our supply chain.

Ms. ROYBAL-ALLARD. And how is the coordination between the ports and the Coast Guard working with regards to cybersecurity?

Admiral ZUKUNFT. We have 37 area maritime security committees at all of our major ports, and within these committees we have subcommittees that are strictly addressing cybersecurity. Right now it is not built into the Maritime Transportation Security Act. That addresses fences and access but it doesn't address indirect access via the Internet.

So we are working—collaborating with the many port stakeholders through these area maritime security committees looking for best practices. I am encouraged by what I have seen at Long Beach container terminals. They have nearly fully automated that port facility right down to autonomous vehicles that move containers—battery-powered, no carbon footprint whatsoever. But they built cybersecurity into the forefront of that.

And how do you migrate that best practice for others? There is a real cost involved in doing this so I think the other piece of that is, you know, is the cost aspect. The cost of a disruption would be ruinous to our economy.

Ms. ROYBAL-ALLARD. Mr. Chairman.

Mr. CARTER. Thank you.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you.

Oh, I am sorry.

Mr. CARTER. Yes. Let's remember to turn the mikes on.

MARINE INSPECTORS

Mr. FLEISCHMANN. Yes. Thank you. My apologies.

Admiral, again, I want to thank you and the President. I saw the Coast Guard graduation yesterday. I have had the privilege of nominating—trying to get some folks in the Coast Guard Academy. We have a proud tradition in Tennessee of Coast Guard personnel.

Specifically, I did want to thank Master Chief Shawn McMahon and Wicheta. They are doing wonderful work in Chattanooga. They are omnipresent and we thank you for them, as well, sir.

I have been hearing lately that there is a potential shortage of Coast Guard marine inspectors. With that in mind, would you briefly touch on three things, sir: the importance—the important work that the marine inspectors do to facilitate commerce, what a lack of marine inspectors will mean to your inland waterway mis-

sion, and what has led to this problem and what might our subcommittee do to combat it, sir.

Admiral ZUKUNFT. Well, I think the biggest—Congressman, the biggest challenge to our marine inspection program is subchapter M, which now brings over 6,000 what had been uninspected towing vessels under an inspection regime. And this was brought on by just a spate of casualties.

There are several alternatives that an operator may use. They may wish to have a Coast Guard inspector or they may want to have a third party do the inspection on behalf of the Coast Guard. We call it an alternative compliance program.

I have come to the realization that we need to overhaul our alternative compliance program and provide more stringent oversight of these third parties doing inspection work on behalf of the Coast Guard. We have seen a number of casualties where third parties did not go to the level of detail that the United States Coast Guard would in finding safety—flagrant safety violations, and perhaps maybe that is why an operator uses a third party and not the Coast Guard, because we will write them up and make sure they fix it.

So we need to provide better oversight, and at the same time we may incur, you know, a larger share of this new fleet of ships that will come under an inspection regime.

The other part is we need to get after shipbuilding here in the United States, as well. When we look at the status of our prepositioned fleet, those that would provide sealift during a campaign, many of these are 20, 25-year-old steamships. In fact, there are very few licensed engineers that have steamship qualifications today.

And we only have about 78 prepositioned ships, you know, and if you look back to World War II the highest casualty rate was in our merchant marine. So if you think that there will be no casualties if we find ourselves in a campaign—a traditional, conventional campaign, whether it is Europe, North Korea, or the like—there are a lot of submarines out there that will take these ships out.

So we need to be thinking about what is our ability to recapitalize our merchant marine fleet. And if we do, that requires marine inspectors, as well.

We are on the, I would say, the fast lane to being a net export nation of fossil fuel.

Mr. FLEISCHMANN. Yes.

Admiral ZUKUNFT. And if there were a provision that would say a certain percentage of those ships have to be U.S.-flagged ships, whether it is carrying LNG or U.S. crude, that might spark another increase in the shipbuilding industry.

We have three Jones Act deep draft shipyards in the United States today. Certainly they would be interested. This would certainly stimulate economic development with jobs. But, you know, I don't want to be the ones holding them up because I don't have enough marine inspectors.

So whether it is uninspected towing vessels, national security, or international commerce, those are three areas that I see right now a growth—foreseeable growth requirement for our marine inspection program.

Mr. FLEISCHMANN. Yes, sir.

Admiral ZUKUNFT. Thank you, sir.

Mr. FLEISCHMANN. Well, thank you, sir.

And I will end by just inviting you next week—I am sorry, next year is Coast Guard year in Chattanooga. We honor all five branches and we would like to invite you to Chattanooga on May the 4th. We have had the commandant of the Marine Corps; we have had the CNO down. So I will extend that invitation to you, as head of the great United States Coast Guard, sir.

Admiral ZUKUNFT. Four May. I have the date. Thank you, Congressman.

Mr. FLEISCHMANN. Yes, sir.

Mr. CARTER. Mr. Cuellar.

PRODUCTION SCHEDULE

Mr. CUELLAR. Thank you, Mr. Chairman.

And I also saw the graduation last night and—yesterday afternoon, should I say—and very good speech that you gave, so thank you so much.

I want to follow up on a couple of items that you mentioned.

First, the offshore patrol cutter project: How is that coming? I mean, do you feel confident that it will be on—the production will be on schedule? Any particular things you see in the way or will they be on schedule?

Admiral ZUKUNFT. Congressman, we are on target and tracking. And first of all, I have to thank this committee, as we awarded final design to award the contract back in September.

We did have to move some money around to make that happen. The 2017 budget, it puts the long lead-time materials in place.

I have been down to Eastern Shipbuilding Group and they are ready to cut steel to put that first ship in the water in the year 2021. So I am very confident that they will deliver a top-quality product on budget and on time.

ICEBREAKER

Mr. CUELLAR. Okay.

On a second subject that you mentioned, the icebreakers, I just got back on a CODEL to the Arctic Circle. Secretary Tillerson was there and I asked him a question about the icebreakers because, as you know, when you have the Russians up there and other folks you are talking about shipping lanes that are important, then you are talking about the natural resources—oil, gas—resources that you have there.

And I think the Russians have over 50 icebreakers. I think that is what one of the briefings told us there. And I think we have, what, two or three—one working partially?

Admiral ZUKUNFT. We have two.

Mr. CUELLAR. Two. Two, but the second—is the second one working? There is only one working, or they are both working?

Admiral ZUKUNFT. So the third one is actually deactivated.

Mr. CUELLAR. Deactivated. So there are two working built in the 1970s?

Admiral ZUKUNFT. The oldest was built in the 1970s. The Healy is—was built around the year 2000, so relatively new compared to the Polar Star.

Mr. CUELLAR. All right. So you mentioned the next one is coming for us 2023. Could you just expand a little bit on the icebreakers for the Arctic Circle?

Admiral ZUKUNFT. Thank you, Congressman. So we chartered a study about 5 years ago to look at, you know, what are the national requirements for access in the high latitudes. This was done through a third party and we went back and revisited it a number of times, and at the end of it the minimum requirement was three heavy and three medium icebreakers.

If you use the, you know, a carrier—an aircraft carrier as kind of the model, and if you need an aircraft carrier, say, in the Pacific, well you really need three to keep one there permanently. One is in maintenance; one is, you know, ramping up to get ready; and the other one is deployed for 6 to 8 months at a time. So it takes three to make one, which is how we got to three and three if we need permanent presence north and south, or even more so.

Then we started looking at now what has changed in the Arctic since the study was done. Well, the ice has retreated at record rates.

About 13 percent of the world's oil reserves and about a third of the world's gas reserves are in the Arctic right now—and I say “reserves” because it is not profitable right now to do offshore drilling up there, but out of that about half of this is in the U.S. EEZ and in our extended continental shelf. And so we have sovereign interest at stake up there, as well.

We have seen China, for example, with their icebreaker doing annualized studies in what I would call our extended continental shelf. Put it in perspective, that area is the size of the state of Texas. It is enormous.

But we have not ratified the Law of the Sea Convention so it is treated right now as the global common. So if some point in the future we ratify the Law of the Sea, we stake our claim, I would be naive to think that claim would not be challenged by others who claim they have operated there repeatedly and this is now global commons, and the next thing we know we see a Chinese mobile offshore drilling unit going into the, you know, extended continental shelf to extract what otherwise would be U.S. oil.

We see Russia—with their 40 right now, but they are still building their fleet out—prepared to deliver two icebreaking corvettes that will carry cruise missiles in the year 2020.

We have sat down with the Navy and we created what is called a cooperative strategy for the 21st century. And we look at the Arctic. The Navy says, “Coast Guard, you have got the Arctic.”

So as we look at, you know, who has, you know, sole responsibility for exercising sovereignty in the Arctic region, it is the United States Coast Guard. So that gets us to a point of why we need national assets—icebreakers—to exert sovereignty there.

And right now we are trying to do it with a ship that is 40 years old. It is literally on life support, which is why we are going to accelerate the delivery of this first icebreaker. We will need another one right behind that so we can deactivate that. We have put a lot

of maintenance money into this old ship but it is the only heavy icebreaker in our Nation's inventory today.

Mr. CUELLAR. My time is up, but I just want to say I appreciate the strategy because we don't pay a lot of attention to the Arctic, but once you get there and you get the briefings and you understand and you see what the Russians and the Chinese—I forgot the Chinese, also—and because of the reserves that we have there and because of the shipping lane and because of the military bases that the Russians are building there aggressively, I think it is something that we need to start looking. I appreciate your leadership on that.

Admiral ZUKUNFT. Thank you, sir.

Mr. CUELLAR. Thank you.

Mr. CARTER. Admiral, when David was chairman of this subcommittee we went to Alaska—what would that have been, 6 or 8—

Mr. PRICE. Probably 9 or 10.

Mr. CARTER. Okay, 9 or 10. My wife learned that Coast Guard needed a icebreaker and she has been bugging me about that icebreaker ever since. And yesterday when the President mentioned it in his speech at the graduation she called me in the middle of another meeting to inform me that the President said he is going to give them an icebreaker.

You have got the best lobbyist, as far as I am concerned, in—for me in this committee of anybody in the country.

Mr. Palazzo.

SURVEILLANCE

Mr. PALAZZO. Thank you, Mr. Chairman.

Admiral, it is great to see you again. Really enjoyed seeing you in Pascagoula, Mississippi for the christening of the Kimball this past March and look forward to several more christenings of the national security cutters.

And I just want to thank you and your men and women that work for you for everything that they do protecting our maritime security as well as keeping the drugs off the streets and out of the hands of our children and our communities. That is an extremely important mission. Thank you for doing that.

My question is \$18 million is going into research and development for a shore-based long-range UAS. Can you tell me a little bit more about the program and the timeline for delivery?

Admiral ZUKUNFT. Yes. Thank you, Congressman.

So we have talked a lot about recapitalizing ships, which are long overdue. But the reason we are having so much success right now in the transit zone is, one, you know, the intelligence is really good; and two, the surveillance is good.

But we have not addressed what are we doing to keep pace with surveillance as we increase our presence on the water, and then how can you do that more effectively and efficiently? And so we were a little bit late to the game getting into the land-based unmanned aerial system.

Within the Department of Homeland Security, within the—with in Customs and Border Protection there is a squadron of nine Guardian UAVs built by General Atomics. We have Coast Guard

members detailed to CBP to operate these remote systems, but they are really, you know land border-focused and so we really haven't addressed the maritime domain, as well.

And so with this \$18 million it is really working within the Department of Homeland Security, so we have a unified requirement that we can leverage, you know, what DOD is building. We are not putting Hellfire missiles on these; these are strictly surveillance platforms. But what can we—what are the state-of-the-art systems in the maritime that can look through cloud cover, that can work at extended ranges?

Right now the go-fast activity—I was at Tampa, Florida talking to our folks at Panama Express, and the go-fasts now are heading south from Colombia off the coast of Ecuador out of range right now of our surveillance platforms that are pre-staged in Comalapa, El Salvador. So they are going beyond where we can reach, so we are not getting to a point we can't reach and touch them until they come further north. So they are gaming our lack of surveillance capabilities.

So the \$18 million gets after, you know, the state-of-the-art sensor packages, the range that would be needed, and the operating systems to operate these platforms at extended ranges—not from the United States, but really closer to where the threat is, miles and miles before those threats arrive in the United States, to stage those out of places in the Caribbean or perhaps in the Eastern Pacific to address these threats that are ultimately destined for the United States.

JONES ACT

Mr. PALAZZO. All right. Thank you for that.

You also mentioned earlier—we discussed the Jones Act a little bit. Can you tell me a little what the Coast Guard's enforcement role is and perhaps why the Jones Act is extremely important to keeping the U.S. maritime industry strong?

Admiral ZUKUNFT. Well, absolutely. And, Congressman, I think as you well know, we only—today we have three Jones Act deep-water ports in the United States: Philadelphia Shipyard, Halter Marine in Pascagoula, and then NASSCO Shipyard in San Diego.

If the Jones Act goes away, all U.S.-flagged ships will be built overseas and then those shipyards will shut down. Not only do the shipyards shut down, the expertise goes with it, as well.

And so what if all those shipyards move to, say, South Korea? And now what if we find ourselves in a conflict in that region and we are now dependent for an overseas shipyard in conflict to deliver ships for the United States?

We didn't do that during World War II. I think we can learn a lot from history and not make what I would consider shortsighted calculations that would have strategic consequences in the long run. Obviously, with that comes our U.S. mariners, as well.

So for me, you know, it is job creation, it is about national security, and it is a workforce that we need to have at the ready if we do find ourselves in a global conflict. I look around the world today and I am not seeing tranquility break out anywhere. I would like to see it somewhere, but it is just not breaking out.

A lot of pressure on our military forces today in terms of how do we balance diplomacy? If that fails, you know, what are the military consequences as a result of that?

Jones Act is a big part of that.

Mr. PALAZZO. Admiral, thank you.

I yield back.

Mr. CARTER. Okay, Mr. Ruppertsberger.

Mr. RUPPERSBERGER. First thing, thank you for being here. I never realized how good the Coast Guard was until I came to Congress. I remember I was in the Port of Baltimore, and Judge Carter and I sit on the Defense Preparations and we do the budget for Army, Navy, Air Force, and Marines. And what you all do with what you have is just incredible, in my opinion.

I think *semper paratus*—what does that mean?

Admiral ZUKUNFT. Always ready.

ARCTIC MILITARY PRESENCE AND COMMERCE

Mr. RUPPERSBERGER. Always ready. And if you look at what your missions are with drug interdiction, working with ports, you know, doing all the search and rescue, it is just amazing.

When you are one of the last ones to ask questions a lot of this has been addressed, but I want to prioritize on the area of the Arctic again. And I think it is really important that we deal with this because I think that maybe because it is so far away or whatever, but we have serious issues because, in my opinion, more than anything is the Russian aggression. Anything having to do with Putin we have gotta be concerned. And you also mentioned the China issue.

And right now I think Putin has 40 active polar icebreakers in the Arctic while the United States has two, with the Polar Star being commissioned over 40 years. And there are a lot of issues we have to deal with there.

Recently the Russians have made a number of aggressive moves in the region, and that includes dispatching numerous military brigades, planning a large ship—shipping port in Siberia's Yamal Peninsula, and also rebuilding old airbases. U.S. presence—and one—I am sure one of the issues not only from a dominance point of view but also because of the resources that are going to be there, as far as oil.

U.S. presence in the Arctic is necessary for more than just power projection; it is a matter of national security. If remain unchecked, the Russians will extend their sphere of influence to over 5 million square miles of Arctic ice and water.

Now, climate change is melting ice in the Arctic at an alarming rate, and as a result, more waterways are becoming navigable. It is essential that the United State be ready to assist any uptick in Arctic commerce. There is a vast amount of natural resources which we can extract, including large gas and oil reserves. And simply put, if our waterways are not cleared, we cannot capitalize on this resource.

Now, in a GAO report I read that several years ago the Coast Guard was unable to provide year-round access to the Arctic in 2011 and 2012 and the Coast Guard could not meet four of 11 total requests for icebreaking services.

My questions: First, how many medium and heavy polar cutters do you need to completely manage increasing traffic in the Arctic? I got a couple more.

Admiral ZUKUNFT. Yes. Yes, Congressman, you know, in the current state of affairs right now, you know, the six icebreakers, three heavy and three medium icebreakers, would satisfy those requirements. You know, that is based on what the threat environment is in 2017.

Now, these ships will be in service for 30-plus years. As we build those, as we have seen with our program of record with the national security cutter, the offshore patrol cutter, the world changes.

And so what if the world does change? The advantage you have when you are building national security cutters and now you are making these more affordable in the long run, you have a hot production line, maybe, you know, 10, 12 years from now the world changes but at least you are producing these at an affordable price, a predictable price, and on schedule.

There may be a change, but at least as we see the world right now, you know, the three heavy and three medium would meet today's requirements based on the threats that we see—

Mr. RUPPERSBERGER. Including the Russian dominance there?

Admiral ZUKUNFT. With the Russian dominance.

We need to look differently, though, at what an icebreaker does. We need to reserve space, weight, and power if we need to strap on a cruise ship missile package on it.

Mr. RUPPERSBERGER. Well, that is an issue. That and maybe intelligence utilities, those type of things. But—

Admiral ZUKUNFT. Right.

Mr. RUPPERSBERGER [continuing]. Let me ask you this: I see Russia as a serious threat and we have to deal with it. So in the current icebreaking capabilities, would the Navy be able to conduct a full-scale defense of Alaska in the event of real threat to our homeland, based on what we have just talked about here with Russia?

Admiral ZUKUNFT. I probably won't speculate on what the Navy, you know, can or cannot do. Obviously we have the world's—

Mr. RUPPERSBERGER. We need to plan for that.

Admiral ZUKUNFT [continuing]. Best Navy. But our cooperative strategy, right now we—you know, you don't see the Arctic addressed, you know, in our national military strategy as a strategic region, so that is why as I look at where the other services are operating, where are they not operating? Which is why I am focused on the Arctic, which is why I am focused on the Western Hemisphere.

We are a military service, and so we need to double down where the other services are pulled off to North Korea, Russia, China, Iran, violent extremism.

Mr. RUPPERSBERGER. Probably many countries, including Russia, laid claims to portions of the Arctic territory. If tensions rise does the Coast Guard have the capability to firmly defend our geopolitical interests?

Admiral ZUKUNFT. Congressman, I would say it is seasonal, and for the Navy it would be seasonal—seasonal by virtue of the fact that our fleet of today, our offensive capability can only access

those waters when they are ice-free, and they are not always ice-free.

Mr. RUPPERSBERGER. Well, it is something I think we really need to prioritize. I think it is really important. In this business of politics it is important you listen to your wife, so I would suggest that this committee and the chairman really listen to his wife and that we really make this a priority on where we are going. So——

Admiral ZUKUNFT. Congressman, thank you.

And again, I want to thank this committee because this is the committee that has really moved this, you know, from the starting block to down the track. The \$150 million that we have moved out of the 2017 appropriation that you put there gets us out of the starting block.

Mr. RUPPERSBERGER. The other thing I want to say, too, if you are a female member of Congress you need to listen to your husband.

Ms. ROYBAL-ALLARD. Who happens to be a Marine. [Laughter.]

Mr. RUPPERSBERGER. I know. I work out with him in the gym sometimes so I see him.

Mr. CARTER. You finished?

Mr. RUPPERSBERGER. Oh, I am finished. Thank you. I yield back.

Mr. CARTER. I definitely ought to listen.

Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman.

And, Admiral, thank you for being here today. Really appreciate it, everything that you guys do in your service. And I know the Coast Guard is a great bang for the buck, if you will, and certainly in my opinion a fundamental part of our national security apparatus, and I really appreciate what you do.

A couple quick things. Actually, I just want to just follow up one thing on—that Representative Ruppertsberger just said about defending sovereignty in the Arctic. I know that he did ask in terms of the Coast Guard's capability to do so in the face of Russian movements, Russian aggression, and stuff like that.

Can you just repeat that if you will? Do you believe that the Coast Guard currently has the capability to be able to deal with that potential threat? And also, is there a strategy in place now that can actually with the Navy to be able to do it if you need more backup, if you will?

Admiral ZUKUNFT. I will first talk about the strategy and I will go back to our cooperative strategy for the 21st century, which is signed by the CNO, myself, and then the commandant of the Marine Corps. And so what it does, it looks at what your inventory is of assets and then it looks at where you employ those.

And so when you start looking at the Arctic on the surface, you know, that is where you will find the Coast Guard. Are we ready to go toe-to-toe with a Russian combatant with a national security cutter? Our capabilities on the national security cutter are more defensive than they are offensive, so as currently equipped, you know, that platform is not ready to engage in what I would call traditional naval warfare.

The Navy certainly has a fairly robust submarine fleet, and so if nothing else that would keep an adversary guessing. And our Navy has operated in the Arctic for some period of time. So in

terms of an offensive capability, it would be less surface and it would be more subsurface.

But how might this play out? I mean, do we immediately jump, you know, to armed conflict, or does it begin with the fact that Russia has already claimed most of the Arctic, you know, up to and including the North Pole? And now they start extracting resources, or they move fishing vessels in there, and we say, "Well, wait a minute. That is not yours."

And so initially the conflict or the tensions, as we see in the nine-dash line and the east South China Sea, it doesn't quite approach armed conflict; it is something less than, but if you don't have an ability to exert sovereignty then they are going to fill that vacuum. So I think that presence piece—it is not presence, but it is really posturing to say, "Hey, this is our sovereign interest. Keep out."

And so I think that is really the strategic way forward.

Mr. TAYLOR. Got you. So look at international law first, maritime law first, and go that route, and then—but backed up with a presence.

Admiral ZUKUNFT. Yes, sir.

CYBER ATTACKS

Mr. TAYLOR. If I can switch gears just really quickly on the cyber, have you guys—have you seen an increase in attacks? And is there currently—and I have asked this question at a couple other hearings, as well, too—are there currently data-sharing on attacks to be able to establish a pattern or potential attribution to state sponsors, potentially, or others, and then also for best practices?

So again, are there—are you seeing an uptick in attacks? Is there a sharing apparatus between agencies and even military services to be able to find patterns?

Admiral ZUKUNFT. Yes, sir. I would say the—pattern is persistent.

You know, we operate on the Department of Defense information network. And in fact, the J-6 for the Joint Chiefs of Staff is a Coast Guard three-star admiral.

The chairman of the Joint Chiefs brought this individual in and he says, "Well, we, military, just operate on the dot-mil domain. The Coast Guard operates the full spectrum: dot-gov, dot-com, dot-mil. And so we really need to bring a Coast Guard three-star who we created to fill this position because we can't just insulate ourselves within the dot-mil domain."

We also helped staff the Department of Homeland Security's NCIC, which does the interagency piece.

And the 2017 budget actually finally provides us the billeting to establish a program of record, because up until now we had been a volunteer fire department in cyber, pulling people off of other primary jobs to do cyber work. So now we can finally build out a program of record, the professionals who will be doing cyber full time. Two graduates, two brand new ensigns that graduated yesterday, they are going straight into cyber.

We have a shortage of about 209,000 cyber professionals in the United States today, so to think we can bring these in off the

street, we are going to have to grow it our own. So there is a human capital piece that goes with this, as well.

And I want to thank this committee for allowing us to go from a volunteer fire department to a professional service when it comes to cyber.

Mr. TAYLOR. I have got more, but I am—I won't hold all the time. Thanks, Mr. Chairman.

Mr. CARTER. Mr. Price.

Mr. TAYLOR. Thank you, Admiral.

Mr. PRICE. Admiral, let me welcome you back to the committee and thank you for helping us schedule this early morning—I want to briefly ask you about a backward-looking budget item, which probably left some needs unmet, realizing that we don't have the figures for the——

Mr. CARTER. Turn your mike on.

DISASTER RELIEF

Mr. PRICE [continuing]. Realizing we don't have the figures for the coming year. Has to do with Hurricane Matthew, which, as you know, had a devastating effect on our region. And I know several Coast Guard units along the east coast from Florida to Virginia were damaged in the hurricane.

Coast Guard had estimated operational impact—an impact on the crews who have to work on overtime to be something like \$92 million. That was the estimate. Congress did not appropriate funds for Coast Guard recovery in the December emergency supplemental, but we did provide \$15 million to begin repairs on facilities in the April omnibus bill.

So can you provide us a status update on the east coast units' recover? And is it fair to say there is still a \$77 million worth of need today?

Admiral ZUKUNFT. Congressman, yes, we still have a \$77 million hole. The \$15 million from Station Tybee, which is right outside of Savannah, Georgia; Cape Canaveral; Ponce Inlet—those were probably the most seriously impacted units from Hurricane Matthew. Their piers were destroyed. Right now a lot of these units are operating out of portable trailers. That is where the \$77 million, the brick and mortar to reconstitute those stations, would go to.

But what the \$15 million does do is it at least allows us to sustain operations as on June 1st we start a whole 'nother hurricane season all over again. And then we also enter into what I would consider our peak search and rescue period, as well. So the \$15 million at least keeps us in business, but not in the ideal state, but as good Coasties we will be semper paratus.

Mr. PRICE. I am sure that is true. I also infer from what you said that this cost estimate remains valid, as to what is still required.

Admiral ZUKUNFT. Yes, sir.

BORDER SECURITY

Mr. PRICE. Let me move to an important question of border security, very much in our discussion and debate these days. President has asked for additional resources to construct a physical wall along the southern border, as you well know.

It seems to be a well-kept secret that Congress built 375—370 miles of pedestrian fencing in the 2007 to 2009 fiscal year period and 300 additional miles of vehicular fencing. That is in place today.

And I remember Coast Guard briefings from the period when that fencing was going online about the impact of migrants and smugglers who were increasingly prone to come to the U.S. by sea when their land routes were cut off or were impeded.

So I wonder what kind of data you actually have from those earlier years on the correlation between enhanced physical obstruction on the land border and waterborne migrant traffic numbers. Have you made any projections about what the operational impact on the Coast Guard would be of this proposed border wall?

Admiral ZUKUNFT. Thank you, Congressman. If we are looking at a defense and offense, a wall is certainly a defensive approach. It is a goal-line defense.

I am the offensive coach, so what does the offensive coach do is when it comes to illicit goods, human trafficking, in most—this is moving almost predominantly by sea, eventually working its way up to the southwest border. I met with President Santos in Bogota 2 months ago to address the significant increase in coca cultivation, cocaine production, all destined for the United States. It takes to the sea.

We have these authorities, and that is the one place where this commodity is vulnerable is on the water. When it lands in Central America the corruption, rule of law has really taken over. And in fact, it facilitates the movement of this commodity rather than in bulk—you know, 80, 90-pound bales of cocaine, now you are talking grams—that try to ride along the legitimate trade between the United States and Mexico, and that is secreted into the United States.

So once it touches land I almost view that as a, you know, as a disease—what it does to law enforcement, what it does to elected officials. If we can stop it at sea we give those communities, that security environment, a better opportunity to get a grip on some of this violent crime that is taking place.

So the offensive coach says you need more offensive play downrange. You have got all the authorities to go right into their waters and apprehend them, you know, regardless of where they are at.

All these countries want to see them extradited almost without exception here to the United States to prosecute. And before they are prosecuted they will turn evidence and provide us valuable information on where the next load is coming. So it feeds that whole intelligence cycle.

So the offensive game is a pretty sound investment. I am not the defensive coach so I can't really speculate on, you know, what it takes to stand up that goal-line defense in the form of a wall.

Mr. PRICE. But it will be—your defensive capacity, in terms of the small craft coming into this country, which, of course, could conceivably increase if the land routes are further restricted, that defensive capacity will be required. You are exercising it right now.

Is there any projections about that or any comments about how it worked last time?

Admiral ZUKUNFT. Yes. So thank you, Congressman. So, yes, we looked at, you know, that defensive approach, if you will, we saw with Cuba. This time last year I had between eight and 10 ships, you know, in the Florida Straits because we saw last year a record movement of Cuban migrants. We have now gone 7 weeks without one Cuban migrant apprehended at sea or even attempting to flee.

But we realize, you know, as you allude to, it is the squeeze-the-balloon effect. If you apply pressure, as in a wall, then, you know, illicit activity will find the path of least resistance, and that path is the water, which means we would have to draw down assets to apply that defensive measure if we saw a change from land to maritime access to our homeland.

CUBAN MIGRATION

Mr. PRICE. Do I have any time remaining?

All right. All right. I will move just quickly to this Cuban matter because that was going to be my next question if time permitted.

You have cited the statistics already. The interdiction numbers are down and actually at zero. Is that what you said? That is what I understand, as well.

Admiral ZUKUNFT. At sea, Congressman, zero.

Mr. PRICE. Yes, at sea. That is what I mean.

So what does that mean in terms of the deployment of Coast Guard resources? That offers, of course, a possibility to focus on other areas, other problems. What are your projections there?

Admiral ZUKUNFT. What changed in the Florida Straits was the repeal of the wet foot, dry foot policy.

Mr. PRICE. That is right.

Admiral ZUKUNFT. And so we have been able to move some of those ships deeper into the Caribbean, and so now we are seeing shipments of cocaine that have been leaving Venezuela, the Guajira Peninsula in Colombia, destined for either Puerto Rico, the Dominican Republic—from there they go to Puerto Rico, as well. And so we have seen an uptick in our at-sea interdictions because we have been able to push those ships, those resources—fewer of them in the Florida Straits to now look at some of these other threats.

So I would call it a target-rich environment. So if it is not migrants, you know, there is plenty to do with all the other illicit activity in the Caribbean, also in the Eastern Pacific.

Mr. PRICE. Thank you.

PROCUREMENT FUNDING STRATEGY

Mr. CARTER. Admiral, I want to go back to the icebreaker for a minute. As we have talked about, the U.S. Navy and the Coast Guard established this joint program office to managing the acquisition of this asset, and the bulk of the funding so far has been with defense appropriations.

However, Defense Committee, in their report accompanying language in the fiscal year 2017 omnibus, encouraged the Coast Guard to budget for the—all follow-up requirements. The money that we got from the defense was the planning money.

Can you tell this committee about the procurement funding strategy for this program in 2018 and beyond? Do you envision that we

have to chin these \$1 billion ships ourselves or are we going to still be getting shared cost with the big budget of the defense?

Admiral ZUKUNFT. Chairman, that is a great question and I have spent a lot of time talking to Sean Stackley, and as we look at building this first heavy icebreaker he is all onboard, you know, in standing up this integrated program office for the first. And we have also been looking at driving the cost of this first one down to get that cost figure under \$1 billion. We haven't built one of these ships in 40 years. There will be a front-end investment.

But I cannot go at risk, and the Navy has gotta—if they are going to a 355-ship Navy they have gotta recapitalize the Ohio-class submarines, you know, where does the Coast Guard equities play into there? And so that is a risk I am not willing to take in the out years.

And I will look to see. You know, we are going to have to look very hard to make sure that we don't lose this appropriation. We certainly have the capability, the capacity within our acquisition program to see this program through. And in fact, I could not be more proud of our acquisition staff, who have held requirements steady, growth steady, on-time deliveries with zero-discrepancy ships being delivered to our service.

But the funding piece is a huge concern going forward. When I look at the pressure that is going to be placed on the Navy with their recapitalization aspirations, this is a program we would be in a much safer place if we had the appropriation in a Coast Guard budget versus DOD.

Mr. CARTER. But you understand we are talking about a roughly \$40 billion budget here versus a \$600 billion budget there, and \$1 billion for us is—means a lot of things have to go wanting in other areas of homeland security. As you well know, I have talked to you publicly and privately—I am all in for the icebreaker program. I definitely want this first icebreaker to be an example and I don't dispute your three-and-three idea.

But as I look down the tunnel of time, these are big-ticket items—as big a ticket items as we would have in the homeland security budget. We don't know where we are going to be with this administration. We may get beefed up because we are obviously part of where this president has a vision.

But let's be practical: This is a big-ticket item so I am hoping the Navy won't bail out on us. And I didn't like that language when I saw it. You probably didn't like it either.

Admiral ZUKUNFT. No, sir.

LEASE ALTERNATIVE

Mr. CARTER. And back to another subject we have talked about extensively, but I know it is back on the table: the medium icebreaker idea, that there is this commercial ship that has been offered as a possible lease alternative on medium icebreaker, yet we—I don't think we have been able to see what this ship can actually do. It was designed as a service vehicle for offshore platforms and besides to get there, I assume.

The question we have got to ask ourselves is—there are multiple. I am going to throw a couple of them out at you and see what you

think. A, can it break ice in the Arctic and the Antarctic? Do we know? Do we not know?

Can it perform law enforcement missions, i.e., boarding operations being operated by commercial crew? Would it require major reconfigurations to make it an active part of our fleet? And could leasing the service help mitigate the risk of icebreaker acquisition in the Arctic strategy?

These are things I would wonder, I am sure you have looked at. What do you think?

Admiral ZUKUNFT. Thank you, Chairman.

So over a year ago I sent a team of engineers down to look at this particular vessel. They provided me a report and so then I went down, and actually I went out to Seattle to see this ship, as well.

And among other things, first of all, it has never completed ice trials. I mean, on paper it is an icebreaker but it hasn't demonstrated ability to break ice of what we would require a medium icebreaker to do.

It is not configured to launch and recover boats to do law enforcement missions. It is not configured to hangar a helicopter. It is not equipped to do what I would consider sensitive communications at a classified level to do maritime domain awareness. And to do that with a civilian crew—perhaps it can be done, but there are a number of conditions that would need to be satisfied before we can entertain this.

So we are in a dialogue with this vendor of, "Here is what it would take." No one has put a price tag on the table, and I don't know what that price tag is.

And I would not absentmindedly, you know, make a promissory to engage in this lease option, if you will, and then pressurize this committee to not only raise money to recapitalize a fleet but now I have got perhaps an exorbitant lease rate on a platform that may at best marginally meet our requirements. An so I need to be a responsible steward in that regard.

So we will continue to have a dialogue with this vendor and ideally get to a point where, you know, we need to talk price here, and not conceptually.

Mr. CARTER. I am sorry?

Mr. RUPPERSBERGER. Could you yield for just a second?

Mr. CARTER. Yes, I yield.

Mr. RUPPERSBERGER. I would think that if we are going to move forward and spend the money, all the issues you said this ship does not have now, we need to move forward with an intelligence component. We need to look forward with all of the other issues you are talking about because that could be a—when you are talking about oil reserves and gas reserves between Russia and China, that could be a really dangerous spot, and I think we need to be prepared and not just put money in—we have gotta be—we have gotta have something like the Zumwalt. You know what I am talking about? That new ship that we just—

Admiral ZUKUNFT. I have been on that one, too. Yes, sir.

Mr. RUPPERSBERGER. Thank you for yielding. Yield back.

Mr. CARTER. Thank you. Thank you, Mr. Ruppertsberger.

And, you know, so basically we are still where we were when we had this conversation last time. We are still looking at it; there is an avenue of conversation going on, but the positions are still the same as per that report which I read the previous time you looked at it. We are pretty well in the same place.

Admiral ZUKUNFT. Yes, Chairman. We have been in the business for over 70 years. We know what it takes to operate in this very remote, harsh environment, and this is a unique design for a single purpose, and so we are more than willing to sit down with this vendor and have a back-and-forth.

But until we actually start getting into the specifics and what are some of the costing algorithms involved, I am not ready to move forward until I have all that information in front of me. And it would be a breach of trust on my part for me to then turn to you, sir, and say, "I am going to need this lift to lease something. I am not even sure if it is going to meet our requirements."

Mr. CARTER. I assumed we were still in the same place but I had to ask because I knew that there still was a conversation going on.

Admiral ZUKUNFT. We are, sir.

Mr. CARTER. Does everybody want to do a second round or—
Okay—

BORDER SECURITY

Ms. ROYBAL-ALLARD. Well, first of all, I just want a little bit of clarification in your response to Mr. Price's question with regards to the impact of building a wall.

It is my understanding then there is the unintended consequences, actually, that there will be increased migration and drug trafficking on the seas. And is the Coast Guard doing anything in anticipation that that might happen, especially with the limited funding that you have?

Admiral ZUKUNFT. Ranking Member, we haven't seen that happen yet, but probably no better insight than when I met with each of the presidents of the tri-border region of Honduras, Guatemala, and El Salvador. When you look at the economies, they are not doing well. When you look at the violent crime, not doing well. Lot of parents are actually pulling their children out of school because they are afraid they will be coopted by a gang, and so what is going to happen this next generation?

And so what they are telling me is that their only hope is to get out of their country and they will do whatever means that it takes. And if a wall stands in their way at some point in time they will find a way to go around the wall. And so we have not seen that yet, but that would be a foreseeable consequence. If you have an impenetrable barrier on the land border then you go where there isn't a wall, and in all likelihood that would mean take to the sea.

UNFUNDED PRIORITY LIST

Ms. ROYBAL-ALLARD. Okay. In the fiscal year 2017 bill we were able to provide a small amount of funding, \$10 million, for projects on the Coast Guard's unfunded priority list. And I imagine this list will likely grow to increase competition for funding created by the push for increased border security.

Do you expect the unfunded priority list to grow in fiscal year 2018 and in future years?

Admiral ZUKUNFT. Yes. Thank you, Ranking Member.

So we are doing triage on what I would call our shore infrastructure. And so when I laid out a way ahead and we talk about a \$2 billion floor, if you will, for major acquisitions, \$300 million of that would be allocated to our short infrastructure.

What it does, it provides us a more deliberative approach on our major acquisitions to eat at the \$1.5 billion shore infrastructure backlog that we have right now and do it in a deliberative way to a point in time where we don't have to look at an unfunded priority list and triage what our needs are one year to the next.

But in the meantime, we do owe this committee our unfunded priority list for 2018. Our folks are hard at it. We have got our 2017 appropriation, and working that through our department, through OMB, I put the pressure on our folks because we need to get that to you on time because you have done tremendous lifting to work at those unfunded priorities. And again, I thank you for doing that.

Ms. ROYBAL-ALLARD. Okay. So the list will be provided to us?

Admiral ZUKUNFT. Yes, ma'am.

Ms. ROYBAL-ALLARD. Okay, because it is important. Obviously we are not going to have all the money to be able to address all of your needs, but I think it is important for us to know what those needs are and how you are prioritizing.

Mr. CARTER. Thank you, Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Just one more question, okay?

Mr. CARTER. Oh, I am sorry.

SOCIAL MEDIA ABUSE

Ms. ROYBAL-ALLARD. Because I was greatly disturbed to hear about the recent Marine Corps photo-sharing scandal in which the members of the Marines United Group posted explicit pictures of female Marines without their consent. What is even more egregious is that according to news reports, this group was discovered by regular rank and file Marines, not specialized investigators.

What does the Coast Guard do to monitor social media for abusive behavior like this?

Admiral ZUKUNFT. So we sent a team of investigators so we, you know, worked with all the other armed services when this scandal came out. Relieved to see that we don't have a Coast Guard Web site of Coast Guard United. And in fact, there were very minimal involvement of victims, if you will, in this Marines United Web site.

It is a challenge, just because of the proliferation of the websites that are out there, but we do have policies in place. This is harassment in the workplace. This is bullying. And so there are measures in place to hold people accountable.

I know the commandant of the Marine Corps is looking at standards of accountability and, you know, this is a subculture. It is inconsistent with everything that all the armed services stand for, but there is this subculture.

Ms. ROYBAL-ALLARD. Do you have investigators that actively look for this type of behavior?

Admiral ZUKUNFT. We are right now. So as part of this task force that was stood up we went out and we scanned the Web sites. And you have to get creative, you know, in looking, you know, for search engines and trying to find this. And some of the—are they on the dark Internet? But we have not seen any surface.

You know, the other aspect of this subculture, you know, I put a communique out to the entire workforce that we are a service of bydoers. You know, we always talk about bystander, but you do something when you see something wrong.

We have seen tremendous progress in the reduction of sexual assault in the United States Coast Guard. It was my imperative to try to drive this out of our service altogether, but our numbers are down 40 percent over the last year. Not only that, but more and more members are coming forward with unrestricted reports, which tells me they know that leadership takes this serious, we are going to hold those accountable that think that they can live a double standard, but not in my Coast Guard.

Ms. ROYBAL-ALLARD. Thank you.

SMUGGLER PROSECUTION

Mr. CARTER. Dr. Harris.

Dr. HARRIS. Thank you very much, and I am sorry I wasn't—

Mr. CARTER. Turn your mike on.

Dr. HARRIS. I think it might be on. Just not close.

Mr. CARTER. If it is red it is on.

Dr. HARRIS. Thank you very much.

Thank you, Admiral, for being here today. A couple of questions.

First of all, just one observation. I hope that we pay particular attention to the Bahamas and, you know, that international trafficking that might occur from the Bahamas because of their policies, you know, on visas. It seems like it would be a pretty easy entry route for some people to enter the United States who aren't here for good means.

Anyway, let me ask about compliance with one of the—some of the executive orders the President has issued. Executive order 13773, Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking—in your testimony you talk about the interception of—and again, it is the President's prioritization of saying, "Look, we are actually going to get tough with people who attempt to do this."

But you say that, you know, 588 smugglers were detained but only 156 were referred for prosecution. You know, we heard—I believe it was in this subcommittee—from the Border Patrol under the last administration. You know, you have to carry a significant amount of drugs with you before you were prosecuted, which is just striking to me. I mean, we should have zero tolerance. These are drugs. These are harmful. These kill Americans.

And so I am curious, if you detained 588 smugglers why are only 156 referred for prosecution?

Admiral ZUKUNFT. Doctor, I will have to get back to you on that 156 number because we are looking at nearly 100 percent prosecution rates.

Dr. HARRIS. Well, but this is in your written testimony. I don't understand. This is not, you know, 588 smugglers; 580 detained—

this—I—and maybe you—maybe some of your staff can assist you with this who wrote this for you. Didn't that strike them as pretty unusual?

You detained 588 people with drugs, I assume, or some illegal contraband, and you only prosecute 150. I mean, that bothers me tremendously.

As someone who wants to protect the youth in my district from illegal substances that the last administration turned their back on, creating a horrendous, horrific epidemic in this country, I appreciate you getting back to me on it.

Admiral ZUKUNFT. Okay. As I said earlier, I was in Tampa, Florida on Monday. We take these detainees there, referred to the U.S. attorney, 100 percent prosecution. Many of them are providing information. So there are a lot of folks in the pipeline.

Dr. HARRIS. Well, this says "referred for prosecution." Doesn't say "prosecuted."

Now, look, I don't understand whether you are being honest with me or not. You have plain English in your testimony. It says "referred for prosecution." Doesn't say "in a pipeline."

Admiral ZUKUNFT. Yes, we will get back to you on that, sir, because I—

[The information follows:]

In 2016 a service-record 201.3 metric tons of cocaine (7.1 percent of estimated flow) were removed from the western transit zone, 585 smugglers were detained and 156 cases were referred for prosecution.

Of the 585 smugglers detained, 544 were referred for prosecution (468 referred for US prosecution; 76 referred for partner nation prosecution). The Department of Justice determined that there was not enough evidence to prosecute 41 of the 585 smugglers, and there were released.

Dr. HARRIS. I hope that under this administration our border security has zero tolerance. And, Admiral, you are a part of our border security.

Admiral ZUKUNFT. Well, I am a zero-tolerance kind of guy, Doctor.

BORDER SECURITY IMPROVEMENTS

Dr. HARRIS. I hope so. I hope so.

All right. With regard to the immigration enforcement, we have obviously another executive order, 13767, Border Security and Immigration Enforcement Improvements, appear to be kind of directed toward the southern border but I assume that the Coast Guard looked at the executive order and said, "Yes, there are actually things that we can improve in—under this order."

And again, to reverse the striking—the strikingly—I don't even know how you would phrase it—the catch-and-release policies of the last administration, the willingness to turn their back on defending our border. So I would like to know what the Coast Guard is doing with regards to that particular executive order, the enforcement improvements for our border security.

Admiral ZUKUNFT. Well, Doctor, before this executive order we had more than doubled our Coast Guard presence in the transit zone—illicit drugs. We removed a record amount of cocaine last year and we will probably beat that record again this year.

So we have repositioned where we have forces.

Now we do that—I don't have more ships than I had the year before. I have taken them out of other areas to double down here. In fact, we are the only—you know, we don't see other aspects of our military operating this domain, so I have taken that upon myself.

We have not seen any Cuban migrants since a wet foot, dry foot policy went into effect in January. We have in the last 7 weeks not one Cuban migrant.

The threat vector you alluded to, the Bahamas—so some of those ships that were between Florida and Cuba, we are now looking at the threat coming from the Bahamas. Most of what we are seeing is what I would call human smuggling: Brazilians, Venezuelans. We are not seeing those special interest aliens that may be coming to the United States to cause us harm, but we are looking at that threat, as well.

We have joint task forces created on the Department of Homeland Security. We have Coast Guard, CBP, Homeland Security Investigations working hand in glove to look at—most of this is focused almost exclusively on illegal migration, but to work not just on the members but what is the network that are moving these people, as well.

Dr. HARRIS. Well, thank you. And I appreciate that because, you know, there are only two ways to get into this country illegally. They gotta come by land or by sea. And, you know, you have a huge role in the by sea.

And with regards to getting back to me on the first question, I understand that you can only catch. Obviously a prosecutor has to agree to prosecute. And that is what I want to know.

I want to know if what is—what we heard at our southern border was that the prosecutors were unwilling to prosecute low-level drug crimes when they involved violating our borders to deliver drugs here to kill our people. That is what they do. Drugs kill our people.

So I understand, but you are the one who is best able to say, "Look, we find these people. Somebody downstream isn't doing what they need to do." So I am depending on you to let me know what is going on there.

Admiral ZUKUNFT. Yes.

Dr. HARRIS. Thank you.

Admiral ZUKUNFT. So again, there may be a technicality. So these were cases, versus individuals. So typical smuggling package is four to five people, and that goes into a case package.

Dr. HARRIS. Okay.

Admiral ZUKUNFT. And so we may be, you know, I think in violent agreement, perhaps, but I need to validate, okay, who are in these cases, what are the numbers of people. But typically it is four to five in a go-fast and they typically plead out. And again, prosecution rate pretty darn high.

Dr. HARRIS. Good. And that is what I need to go after. Because again, what we heard from the southern border is that the prosecution rate wasn't high. Because I think the—when you seize contraband I think it is probably higher quantities. I mean, people don't put one little cube of marijuana on a boat.

But if you can get back to me, I would appreciate that.

Thank you. I yield back.

Admiral ZUKUNFT. Yes, sir.
Mr. CARTER. Mr. Cuellar.

LEGAL SYSTEM

Mr. CUELLAR. Thank you, Mr. Chairman.
Let me just follow up on my colleague.

This is an issue I have been looking at because I do live on the border, and I assume this applies to any of the U.S. attorneys. Brought this to the attention of Chairman Wolf some time ago because what you have is every U.S. attorney district will have a different policy.

You, just like Border Patrol, you do your job. You get them; you present them over to the U.S. attorney's office.

The U.S. attorneys—because Congress, and that means, if I can just correct my colleague, it is not the past administration; it is the past administrations, with an S, and this could continue if we don't add money into the legal system.

The problem is Congress always puts money into Border Patrol, the law enforcement, and you create activity because you arrest people, you put them down the legal system. But if we don't have the U.S. attorneys, judges, and if you look at the caseload for the judges on the border, they are about this high compared to other judges who have a level caseload this high.

So if we don't add judges, U.S. attorneys, U.S. marshals, and everybody down the stream, then what they are going to continue doing is they are going to continue prioritizing the cases. And I know that because I get frustrated in my area because, without revealing the amount of drugs where they either say, "We are not going to prosecute," or, "We are going to give it to the local district attorney," and the local district attorney say, "Hey, we are already loaded up here," then what happens is I joke around that if you are a bad guy all you have to do is X amount, just be a pound under and you might be let go because—or sent to the State level because of the priorities.

So it is all a matter of funding, and if we just keep putting money on the goal line then all we are going to have is we are going to have the same problem past administrations—with an S—and current administration. Unless we seriously put money on judges—I am talking about the border, the judges, the U.S. attorneys, the U.S. marshals, and everybody down the system, we are going to be in the same thing and still be talking about this for a while.

In my opinion, it is not your fault. It is a matter of putting money into the legal system, number one.

You also mentioned that the wall is a defense and you do an offense on the water. I respectfully disagree.

I think if you look at the \$18 billion that we spend on land and ocean, that is a one-yard line, the goal line. And if you want to play football I would rather play defense not on the one-yard line, but I would rather play defense on the—their 20-yard line, which means that, like you mentioned, work with Central America, work with the Colombians. You know, the president is here this week, as you know—Colombian president.

And that is what we need to do—extend our perimeter instead of playing on defense. So we appreciate your efforts on that last point.

The last thing I want you to consider—and I got some language into the law some years ago and the Coast Guard did a report—is the only international waterway that you all don't really spend time on is the Rio Grande. And I understand it is not—it is what they call—a member of the last Coast Guard, it is brown waters compared to blue waters, and you prefer blue waters. I understand that.

And I understand that it is not deep, but you have got those airboats that are available there. I know the air marine is doing some work there, but just want to just mention for the record the only international river that you all don't do any work on, really spend, is the Rio Grande, just—and it is international waters, as you know, because it is an international river.

CLOSING REMARKS

So I do want to say I appreciate your work. I look forward to working with you on the icebreakers.

When I mentioned to Secretary Tillis he said he was going to talk to—Tillerson—he was going to talk to the President. So if he mentioned it at the speech I guess he did do that, or maybe he listened to somebody's wife. I don't know what—but either way, I want to be supportive of the committee on the icebreakers because we just can't forget about the Arctic.

I do appreciate the work that you do, and sometimes your hands are tied.

And, Mr. Harris, I would be happy to work with you because I have been looking at this for a long time. And it is frustrating. It really is frustrating that law enforcement—that includes you also in the work—you present it over at the U.S. attorneys, they don't have the resources, and therefore they make priorities, and I don't like those priorities on that. But unfortunately, if we don't put the money we are going to be talking about this for this administration, other administrations.

But I appreciate the work that you all do.

Admiral ZUKUNFT. Congressman, just on that note, where we prosecute these drug cases I have taken out of hide a number of our JAG officers as special assistants to the U.S. attorney so we can move these cases forward. And I will continue to make that investment to take some of that burden so these do not become low-priority cases, and so we do get the prosecution, as well.

Mr. CUELLAR. Yes.

And finally, Mr. Chairman, keep in mind Miami Vice, and, you know, in the 1980s if you remember the drugs were coming in through the southern—I mean, that area of the United States. Some of us in Texas were saying, "You know, one of these days it is like a balloon. If you put the pressure here they are going to come another way."

Sure enough, years later here we are talking about the border. And as you know, when you talk about billions of dollars of drugs coming in, there—we have consumption in the U.S. and the bad guys are going to—transnational groups are going to be making

money, they are going to find a way. If you block over here they are going to come another way and it is a constant, ever-going, you know, strategy that we gotta have. It is not static. It is ongoing and, again, you all play a very important role.

Admiral ZUKUNFT. Yes. And just adjacent to your district, you know, down in South Padre Island huge influx of illegal poaching by Mexican fishing vessels fishing in U.S. waters. And a lot of these fish are protected—red snapper, for example.

So a lot of effort being expended by the Coast Guard to stem this back. Weekly we are, you know, seizing these Pangas, but they just keep coming and coming.

If you are down in Port Isabel you will see a yard filled with hundreds of these boats that we are seizing. So right now it has been a pressure point for us on our border as it approaches the Rio Grande.

Thank you, sir.

Mr. CARTER. Mr. Cuellar has done a lot of very hard work, and I have also twisted Mr. Culberson's arm. We are getting more legal resources into this project.

Mr. Taylor.

COUNTERTERRORISM

Mr. TAYLOR. Thank you, Mr. Chairman.

Admiral, real quick can we speak about the antiterrorism force, MSRT I think it is? Can you just talk to us about—you know, and let me preface this by saying I was very impressed by the coordination and collaboration down on the border, specifically in the San Diego area, of course, with the Coast Guard and CPV and how that—just using each other's strengths and weaknesses and leveraging those. I thought it was awesome.

On the antiterrorism force, MSRT, is that something that you see that is essential for the Coast Guard mission? Is it absolutely needed?

If so, is it—what are the capabilities currently? Do you need more funding for it? Can you just talk a little bit about that, please?

Admiral ZUKUNFT. Yes. Thank you, Congressman.

And as you would well appreciate, you know, these are actually counterterrorism, not antiterrorism.

Mr. TAYLOR. Counterterrorism—

Admiral ZUKUNFT. Two teams, one in San Diego, one in Chesapeake, each team about 200 people strong.

I was just at SOCOM. I met with General Thomas on Monday, as well, and as you know, SOCOM is lead for, you know weapons of mass destruction proliferation. You know, they are the go-to team.

The Coast Guard has over nearly a dozen bilateral agreements. It covers every flag state of convenience.

We have a national targeting center in Reston, Virginia. We work with CBP, Coast Guard. So we screen every ship over 300 gross tons on an international voyage—the cargo, the cargo manifest, where was it packed, who are the people?

And so if there is an anomaly and say, "Well, wait a minute. You know, there could be a weapon of mass destruction. We don't know 100 percent, but there might be one in this container."

We have the authority to board that ship anywhere on the high seas, and if they are not compliant then we have agreements with Third Fleet to provide vertical lift, so we come in with a team, we fast-rope in. We take positive control of that ship. We stop it, and then we go ahead and we do the search.

We can do everything but what Special Forces can't do. I can't say that in an unclassified environment.

But it gives us that authority in an ambiguous threat to stop it before a ship, say, enters the Port of San Diego, a military port, and now we have got a commercial ship with a weapon of mass destruction on it.

So we still see a requirement for us to have it. Either that or we assume away there will be no proliferation of nuclear material, you know, forever to come. And when I look at Pakistan, I look at North Korea, I am not ready to make that assumption, so we need to sustain this capability.

This is not your everyday Coasties. We are open to both genders, but as you can appreciate, what it takes to get folks through that level of competency from weapons to agility, the muscle memory that is required to do these jobs, these are a one-of-a-kind—we have two of them in the United States Coast Guard—in the Department of Homeland Security, for that matter, as well.

Mr. TAYLOR. Just a quick question, a quick follow up on that, and certainly not diminishing any capabilities that are at the level of what they do, and I think it is awesome, you know, I know that in San Diego specifically, where the Navy will utilize the Coast Guard and they will work collaboratively to use some of the law enforcement powers to be able to board ships, as you very well know, again, is that something that SOCOM can be a part of, again, or—and also, what is the budget for the counterterrorism forces currently for—

Admiral ZUKUNFT. Yes. So we have both of those in budget. I will get back to you on what that exact number is.

The total budget for counterterrorism forces is approximately \$51 million; this includes personnel, training, equipment, and operations costs. MSRT Chesapeake accounts for \$24.7 million and MSST San Diego accounts for \$26.3M of the total.

But at the same time, you know, I have advanced interdiction teams from these elements that are currently filling a niche over in, you know, in CENTCOM's AOR. That takes a burden off our soft community, our Navy SEALs as they are looking at doing other things.

So we do get those requests for forces for a capability, and these are teams, we call them advanced interdiction teams, that can provide these platforms serving off Navy ships.

Then what it provides, you know, NAVCENT is the ability of saying, "OK, these aren't just Title 10. We could also do Title 14 law enforcement because we have this unique team that can switch hit Title 10 and Title 14."

Mr. TAYLOR. Excellent.

PORTS

Switching gears really quickly—thank you. Thank you, Admiral. We have heard about modernizing the fleet of Coast Guard cutters and might acquire additional mile pier length beyond your current fleet needs and that you are potentially looking to cluster your assets and optimize more shore maintenance activities. Any chance of potentially home-porting those fleets in the Tidewater area?

Admiral ZUKUNFT. Tidewater has been a great home for us. It is a great home for our people, too. I mean, they always say it is a Navy port; well, it is a Coast Guard port, too, as well.

So as we look at building out our fleet of offshore patrol cutters we will probably have to extend our pier lengths that we have at our base in Portsmouth. We will probably have to do some dredging.

But when we look at just not the infrastructure but we also look at the communities—the health care, the schools, and the fact that you can do multiple assignments in the same geographic region and our people like being there—they stay in the Coast Guard. So Tidewater has always been friendly to the Coast Guard, and you can count on seeing white ships with red racing stripes in the Tidewater region for the indefinite future.

CLOSING REMARKS

Mr. TAYLOR. Excellent. Well, thanks for your service. Thanks for your testimony today. Thanks for all of your service over there. We appreciate you and look forward to working with you. Thank you.

Admiral ZUKUNFT. Thank you, Congressman.

Mr. TAYLOR. Thank you, Mr. Chairman.

Mr. CARTER. Admiral, we thank you for being here. We went a little long, but the reality is you guys are kind of the darling of our world that we live in in this subcommittee and we are glad to be able to have a conversation with you.

Thank you for your patience. Thank you for the great work you do. Thank all of the Coasties for us. They are models for America. I appreciate you.

Admiral ZUKUNFT. Chairman, thank you.

Ranking Member—all the members, and I especially want to thank those sitting on the back seats over there, just like the people sitting behind me. A lot of this work doesn't happen without the support of our staffs, so again, thank you very much.

Mr. CARTER. Yes, sir.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Offshore Patrol Cutter

Background: The OPC remains a priority program for the Coast Guard. Coast Guard plans to acquire 25 cutters to replace the aging Medium Endurance Cutters. A production contract was awarded to Eastern Shipbuilding in September 2016. Congress provided \$75 million in FY 2017 to complete detailed design and fund the long lead time materials for the first OPC.

Question: Admiral, you testified that the Offshore Patrol Cutter was the very top priority for the Coast Guard. The FY17 appropriation included the funds needed to complete detailed design and procure long lead materials to achieve production in 2021.

- Did the lengthy CR impact this program?

ANSWER PART-1: No, planned FY 2017 activities remain on schedule. We plan to conduct Initial Critical Design Review, complete an Early Operational Assessment, and exercise a contract option for OPC 1 Long Lead-Time Material (LLTM) before the end of the fiscal year.

- Where does the process stand today and how confident are you that you will be in a position to adhere to the acquisition schedule? What milestones will the program need to achieve in FY 2018?

ANSWER PART-2: The Program is on schedule and plans to exercise the option for LLTM for the first OPC before the end of FY 2017. Consistent with the President's request, the program plans to begin construction of the first OPC and procure LLTM for the second OPC in FY2018.

- The contractor selected to build the OPC offered a unit cost that was significantly below all other offerors. Are you confident that price will hold once you enter production?

ANSWER PART-3: The OPC contract is structured with a variety of mechanisms that incentivize the Contractor to perform efficiently and manage the cost risk to the Government. Examples include Government-dictated ceiling prices that limit the Government's overall funding liability per hull, an equal sharing between the Contractor and the Government of cost underruns or overruns on Detail Design and hull construction, and robust Earned Value Management System reporting requirements for regular insight on current cost and schedule performance. Based on the current profile, the Coast Guard is confident in its funding projections for the OPC Program.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

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Fast Response Cutters (FRCs)

Background: The Coast Guard's acquisition strategy is to acquire 58 FRCs. For FY 2017, the Coast Guard requested \$240 million for four (4) Fast Response Cutters (\$240 million); the Committee added \$85 million to procure a total of six FRC's. The FRC remains the showcase acquisition program within the Coast Guard, delivering ships on time and on budget. The last four ships (hulls #19-22) were delivered with no defects/discrepancies.

Question: In your recent State of the Coast Guard remarks you said there were 580 events in 2016 that your forces could not interdict due to a lack of capacity. The Fast Response Cutter (FRC) should improve your capacity.

- Is the goal still to acquire 58 Fast Response Cutters, and if capacity is an issue, what is the optimal number of FRC acquisitions each year?

ANSWER PART-1: The Coast Guard's Program of Record for the FRC Program remains 58.

- I understand the minimum economic order quantity is 4 FRCs per year and that you receive favorable pricing when you exceed that level. If you acquire four rather six FRCs, what kind of price differential would you expect and how would acquiring more FRCs sooner impact your ability to prosecute your interdiction missions?

ANSWER PART-2: In Fiscal Year (FY) 2017 the President's request for \$240 million supported procurement of four FRCs and associated Program costs. The economic order

quantity of 6 FRCs in FY 2017 reflects approximately a 10 percent decrease in the total acquisition cost per hull when compared to the original request to buy only 4 FRCs. These savings are balanced against the cost of delays to other acquisition projects when developing the annual budget within planned funding levels.

- What will be the relationship between the FRC, OPC and NSC – how does each complement the other in the spectrum of your mission set?

ANSWER PART-3: The Coast Guard's statutory missions contribute to national policy objectives and are fundamental to preserving the sovereign maritime interests of the United States. Collectively, the NSC, OPC, and FRC support these missions and establish an offshore enforcement strategy comprised of a layered maritime security posture. The NSCs long-range, high-endurance capability and sophisticated sensor suite make it suitable for the deep transit zone and Department of Defense (DOD) interoperability. The FRC supports shorter endurance needs in the coastal zones with improved capability over legacy assets. Complementing this range of capabilities, the OPC will provide flight deck-capable ships with robust C4IT and seakeeping capable of maintaining presence in the offshore and transit zones.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

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Coast Guard Human Capital Strategy

Background: In his 2017 “State of the Coast Guard” address, Admiral Zukunft cited the need to grow the Coast Guard by 5,000 Active Duty billets and 1,100 Reservists to meet mission requirements. In January 2016, he signed a 10-year Human Capital Strategy to provide a 10-year roadmap to develop and execute the processes necessary to hire, train, and maintain the civilian and military workforce needed to meet the Coast Guard’s missions. The 2017 budget cut \$45 million from Military and Civilian Pay accounts due to inability to execute to requested levels.

Question: Admiral, in your State of the Coast Guard Address, you stated that 1,100 Reserve billets needed to be restored and that Active Duty strength needed to be increased by 5,000 over the next five years.

- Please elaborate. Are you spread too thin? If so where? How are you mitigating this risk?

ANSWER PART-1: The Coast Guard believes that a growing workforce will enable greater capacity to better meet its statutory responsibilities as well as better serve the missions of DHS. The growth goals cited above have not been incorporated into the Department’s Future Years Homeland Security Plan, but are under review as the Department enters its next Quadrennial Homeland Security Review.

- What effect is this having on readiness, recruiting and retention?

ANSWER PART-2: The Coast Guard has prioritized recruiting, hiring, and retention to place the Service on a path toward fielding the workforce necessary to meet 21st century demands. The increased emphasis has resulted in meeting recruiting goals for Fiscal Year 2016 and puts the Service on track to meet them again in Fiscal Year 2017. The Coast Guard will continue these efforts in order to right-size the workforce over the next five years.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

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May 18, 2017

Transnational Criminal Organizations

Background: The Coast Guard is the lead Federal maritime law enforcement agency for enforcing national and international law on the high seas, outer continental shelf, and inward from the U.S. Exclusive Economic Zone to inland navigable waters, including the Great Lakes. Over the course of the past year, the Coast Guard, working with other government security and intelligence agencies and offices, seized over 200 metric tons of cocaine and brought 585 members of transnational criminal organizations to justice in the United States.

Question: Admiral, the threat from transnational criminal organizations remains as dangerous today as ever. The Coast Guard is a key player in the fight and we are very proud of its many successes in the past year. However, the fight to stop the illicit trafficking of people, weapons, drugs, and potential terrorists never stops.

- Is Coast Guard sufficiently manned and equipped to effectively execute this mission now and in the future?

ANSWER PART-1: The Coast Guard's National Security Cutters (NSCs) play a significant role in the effort to disrupt Transnational Criminal Organizations (TCOs). To date in FY17, just five NSCs have accounted for 26.1% of the cocaine seized in the source and transit zones. On one memorable day, the USCGC James, the newest operational NSC used its embarked helicopter to employ airborne use of force on three separate go-fast drug-smuggling vessels – more than 40 miles apart – within a two hour period of time. Similarly, Fast Response Cutters (FRCs) provide a robust coastal presence, and the first wave of FRCs has proven their capability and value.

In addition to the success of the Coast Guard's new assets, the legacy Medium Endurance Cutters account for the majority of the surface interdiction assets in the offshore transit zone, and, in 2016, conducted almost 75% of the interdictions in that region. The Coast Guard's new Offshore Patrol Cutter (OPC) will soon replace the Medium Endurance Cutters. Completing the

ongoing acquisition programs to recapitalize these surface assets, their attendant infrastructure, as well as fixed and rotary-winged aircraft, will ensure the Coast Guard is able to support the interagency effort to disrupt TCOs for decades to come.

➤ What efforts are planned in for FY 2018 to combat these organizations?

ANSWER PART-2: In fiscal year 2018, the sixth National Security Cutter is scheduled to be certified as Ready for Operations, and Fast Response Cutters 26-30 will be delivered. In addition, the Coast Guard will reach a major milestone in 2018 by starting the construction of the first Offshore Patrol Cutter.

In the offshore transit zones, the Coast Guard will continue to employ a robust interdiction package consisting of a cutter, an airborne use of force capable helicopter, and high speed pursuit boats manned by highly skilled boarding teams. Beyond the Service's organic capabilities, the Coast Guard will leverage over 40 international maritime law enforcement bilateral agreements to enable partner nation interdictions and prosecutions, while also acting as the primary maritime presence to enforce universal criminal statutes shared by its maritime partners.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

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Cyber Security

Background: The National Infrastructure Protection Plan designates the Coast Guard as the Sector Specific Agency responsible for ensuring the protection of infrastructure in the maritime domain, including cybersecurity. American ports, terminals, ships, refineries, and support systems are vital components of our nation's critical infrastructure, national security, and economy. The Coast Guard published their first Cyber Security Strategy in June 2015 that outlines the objectives and goals needed to protect this domain. The Committee provided \$2.5 million in the FY 2017 budget to stand up their first Cyber Protection Team.

Question: Admiral, the Coast Guard has a statutory role to ensure the maritime transportation system is secure and resilient against cyber threats. The FY 2017 appropriation included funding to establish a Coast Guard Cyber Protection Team.

- Please provide insight into your priorities for FY 2018 as it relates to cyber security, and discuss the mission of the Cyber Protection Team.

ANSWER PART-1: The Coast Guard's FY 2018 cybersecurity priorities include information technology infrastructure improvements that support Mission Essential Systems. Specifically, the Coast Guard requests \$26.207 million for improvements to the Coast Guard One Network, the Service's primary unclassified computer network. Funding also supports the Coast Guard's compliance with DoD information network standards for improved cybersecurity (e.g., firewall functions, intrusion detection and prevention, enterprise infrastructure, and virtual routing). As a military service, the Coast Guard operates on the dot-mil network and must remain interoperable with DoD for national security and national defense missions.

FY 2017 funding provided personnel to establish initial operating capability for a Cyber Protection Team (CPT). The CPT's primary mission is to defend Coast Guard cyberspace by maneuvering inside Coast Guard networks and defending against adversaries and threats to assure

successful execution of Coast Guard missions, employing the proven Prevention-Response operating concept. The CPT will be organized, trained, equipped, and assessed to joint standards of the DoD Cyber Mission Force (CMF). The CPT will leverage the Coast Guard's unique role within DHS as a military service and part of the joint force, and member of the Intelligence Community. The CPT will be interoperable with the CMF and DHS cyber teams. Eventually, the CPTs will be able to provide Coast Guard operational commanders with cybersecurity advice/guidance during an incident response in the Maritime Transportation System.

- Please describe the Coast Guard's role and responsibilities as the lead agency for cybersecurity of the maritime domain.

ANSWER PART-2: The Coast Guard has a long history of working with port partners to mitigate safety, security, and environmental risks to U.S. ports and maritime critical infrastructure. When it comes to managing cyber risks, we have been working to build awareness within the marine transportation system. Our focus now is to build a shared governance for cyber risks in the same way we work with port partners to address physical risks.

- Is the Coast Guard adequately manned, trained, and equipped to fulfill those responsibilities?

ANSWER PART-3: The Coast Guard tracks advancements in the maritime industry to ensure we are facilitating – and not impeding – the maritime transportation system. We are investing in an agile and technically proficient workforce with specialized skills and training, as well as enterprise systems that support a data-dependent marine safety mission. We also leverage our unique skills and authorities to support NPPD's cyber protection mission to mitigate risks to the marine transportation system and critical marine infrastructure.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Land Based Unmanned Aerial Systems

Background: Admiral, in your statement this morning you mentioned the need for a land based unmanned aerial systems and indicated you were going to soon deploy six of these systems.

Question:

- Please elaborate on the need for this asset and the capability gap it will address.

ANSWER PART-1: The Coast Guard is interested in employing Land-based Unmanned Aircraft Systems to improve maritime domain awareness and is reviewing options to obtain this capability in the future.

- Where are you planning to employ it?

ANSWER PART-2: Land-based Unmanned Aircraft Systems would most likely be used in support of our drug interdiction mission and would be expected to deploy from similar locations as our current Maritime Patrol Aircraft fleet.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Nuclear Detection Equipment

Background: In 2014, the Department of Homeland Security's Domestic Nuclear Detection Office chose a vendor to supply Customs and Border Protection, the Transportation Security Administration and the US Coast Guard with handheld nuclear detection equipment – specifically, a Radiation Isotope Identifier Device.

Question: Has the Coast Guard acquired and deployed this equipment? If not, provide the reason for the delay, and a timeline for either deployment of equipment, or the commencement of a new competition to select a handheld radiation detection technology that meets the Coast Guard's needs.

Answer: The Coast Guard utilizes DNDO as the service provider for the acquisition of radiological detection devices in support of the Global Nuclear Detection Architecture. The DNDO Product Acquisition and Deployment Directorate is best suited to address questions on this topic.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

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Coast Guard Drug Interdictions

Background: During the hearing, the Commandant mentioned that the U.S. Coast Guard is the “offense” in stopping smuggling and the illicit drug trade. While each individual incident might garner local attention, the fact is the USCG is responsible for capturing billions of dollars of cocaine and other drugs before they even reach our nation’s shores.

Question:

- In view of the rise in the drug epidemic affecting many states across the nation, how has the USCG operationally responded to the increase in illegal trafficking of drugs and narcotics?

ANSWER PART-1: As part of our Western Hemisphere Strategy, the Coast Guard has directed additional assets to operate in the transit zone to combat smuggling. This has led to a record-breaking year of drug removal in Fiscal Year 2016, preventing 201.3 metric tons of cocaine and 52,700 pounds of marijuana, with a street value of nearly \$6B, from reaching our shores. Additionally, the Coast Guard detained a record 585 smugglers and brought a majority of them to the United States for prosecution. Information regarding TCO operations provided by those smugglers during the prosecution process alerts the interagency of other smuggling activity and further feeds the intelligence cycle of success.

- How have the caps mandated by the Budget Control Act impacted the counterdrug operations of the USCG?

ANSWER PART-2: The Coast Guard has used risk-based mission prioritization to maximize effective counterdrug activities while operating under the Budget Control Act constraints.

- How has the USCG utilized increased counterdrug resources over the past fiscal year to reduce the flow of illegal drugs to U.S. shores?

ANSWER PART-3: The Coast Guard is innovating to increase our ability to respond and target smuggling operations of all kinds. Our operational National Security Cutters are equipped with advanced intelligence systems critical for law enforcement missions, and additional National Security Cutters scheduled for delivery in 2018 will also be equipped with this capability. Additionally, the Coast Guard has requested funds in fiscal year 2018 to continue our small UAS program on board the NSCs, a tool that will support multiple missions, including drug interdiction in the transit zones.

- What would you suggest is an appropriate dollar-for-dollar estimate of the return on investment for the federal taxpayer with respect to the street value of drugs being interdicted by the USCG through counterdrug investments?

ANSWER PART-4: The Coast Guard has not made such an evaluation.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Culberson

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

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Inland River Tender Fleet

Background: Admiral Zukunft, as the Coast Guard embarks upon a major recapitalization project aimed at replacing its aging fleet of vessels, one program that has been overlooked is the inland river tender fleet.

As you highlighted in your testimony, these vessels, which are tasked with maintaining and deploying aids to navigation, have outlived their practical service life and now spend more time in scheduled/unscheduled maintenance than on the rivers.

You mentioned USCG is in the initial planning stages and is working with the ACOE to find a COTS solution for a vessel that can be modified and procured at a cost \$25m each.

Question:

- When do you expect that the design and selection phase will be complete?
- How many of these vessels in total do you plan to acquire?
- In what year do you expect to lay the first hull?
- How many vessels per year do you plan to acquire?
- By what year do you expect the recapitalization of this fleet to be completed?

- What do you anticipate the service life of the new vessels to be?

Answer:

Recapitalization of the inland tender fleet would qualify as a DHS Level 1 Major Systems Acquisition requiring a comprehensive alternatives analysis that has not yet been conducted.

Per current DHS and Coast Guard acquisition policy, the service is in the preliminary stages of initiating a Level 1 Major Systems acquisition program ("Need" phase) and will be pursuing Acquisition Decision Event 1 (ADE-1) with DHS in FY18. The FY18 Budget includes funding to initiate a program office and perform an Alternatives Analysis to assess options to replace the capabilities provided by these assets.

The requested information about schedule, design, and production rates will be determined through analysis performed in the "Analyze/Select" phase of the acquisition which occurs between ADE-1 and ADE-2A/B events.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Culberson

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Chinese Coast Guard Ship Riders

Background: It is my understanding that personnel from the China Coast Guard are being allowed to embark on National Security Cutters while these cutters are underway conducting high seas drift net enforcement operations in the North Pacific.

Question:

- Given the significant IC capabilities of the National Security Cutter, why do we allow Chinese ship riders to embark on these vessels at all, much less why they are conducting operations?
- Do the benefits of allowing this to continue outweigh the risks? Please elaborate.
- Does the Chinese government routinely allow U.S. law enforcement and military personnel to be in such close proximity to their sensitive IC capabilities?

Answer: Thank you for your interest in the Coast Guard's operations to combat Illegal, Unreported, and Unregulated fishing. The Coast Guard does not allow Chinese Ship Riders to sail aboard National Security Cutters. The efforts we conduct in conjunction with multiple nations are complex and involve many types of assets and partnerships. At your convenience, my staff would like to provide you with a brief on the details of these missions and the methods we use to ensure security of our operations.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Dan Newhouse

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Small Unmanned Aerial Systems

Background: Commandant, earlier this year the U.S. Coast Guard Cutter Stratton embarked on its first full deployment with its own small unmanned aerial system to support its missions. Congress has strongly supported unmanned systems aboard the NSC fleet as a way to expand intelligence, surveillance, and reconnaissance.

Question:

- Can you tell the subcommittee of any results or operational successes with the sUAS deployed on U.S. Coast Guard Cutter Stratton?

Answer Part 1: The small Unmanned Aerial System (sUAS) brought the STRATTON significantly increased levels of tactical surveillance and real-time situational awareness, providing nearly 280 hours of organic surveillance during its trial two-month operational deployment. Responding to cued intelligence, the sUAS was integral to the interdiction or disruption of four smuggling vessels carrying more than 5,000 kilograms of narcotics.

- Additionally, if successful, does the Coast Guard currently plan to outfit every deployed NSC with sUAS in effort to achieve the full operational potential of the NSC fleet?

Answer Part 2: The sUAS is a non-major acquisition program. In evaluating the option to equip more NSCs with sUAS, the Coast Guard is following the acquisition policies prescribed in the DHS-102-001 and the USCG's Major Systems Acquisition Manual.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Lucille Roybal-Allard

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

U.S. Coast Guard Child Care Resources

Background: Members of the military, including the Coast Guard, make many sacrifices for our country. The extraordinary demands made on military professionals and their families are often times greater than those facing working-parents in other organizations. Members of the military work long hours with high demands and extended periods away from home. This often means that their child care priorities and needs are constantly shifting.

Access to child care is important to supporting our service men and women and their families. Department of Defense focus groups and survey results have indicated that child care needs and support are factors, which may impact readiness and retention. Similarly, concerns have been raised about the adequacy of child care services and support for the men and women of the U.S. Coast Guard. The remote location of many Coast Guard stations present an additional challenge to access.

Question:

- What is the total number of Child Development Centers (CDCs) available to U.S. Coast Guard personnel nationwide and where are the CDCs located?

Answer Part 1: There are nine Coast Guard-sponsored CDCs; however, Coast Guard members have access to any Department of Defense (DoD) facility that is close to their location. Coast Guard-sponsored CDC locations: Base Cape Cod, Coast Guard Academy, National Capital Region (St. Elizabeth's), Training Center Cape May, Sector San Juan (Bayamon Housing), Air Station Borinquen, Base Alameda, Training Center Petaluma, and Base Kodiak.

- What is the total number of Coast Guard units that do not have access to a CDC?

Answer Part 2: Coast Guard units are not always within close proximity to either a Coast Guard or DoD CDC. The number of units that could make use of, but do not have access to a CDC, is not known.

- In those units with no access to a CDC, does the Coast Guard provide a child care subsidy for members?

Answer Part 3: Subsidies are provided to Coast Guard families in three situations: (1) the family does not have access to a CDC; (2) the local CDC does not have capacity; or (3) if the family chooses to utilize commercial options.

- What is the subsidy and how is eligibility determined?

Answer Part 4: All Active Duty and Active Reserve personnel are eligible to receive child care subsidies. Subsidies are for any eligible Coast Guard family who uses a commercial child care facility or provider licensed by the state, DoD, or Coast Guard.

- How are the amounts received under the subsidy determined?

Answer Part 5: Subsidies are based on total family income and vary from family to family. The cost of care in each income category (total 9 categories) is averaged. Subsidies are calculated based on:

- Cost of care: Set by the child care provider;
- Total Family Income: Used to determine which income category the family is in;
- Average Cost of Care: Based on what a parent would pay out-of-pocket if they used a Coast Guard-sponsored CDC.

The difference between the Cost of Care and the Average Cost of Care is the amount provided as a subsidy.

Example:

Cost of care: \$600 per month

Total Family Income: Category III

Average Cost of Care: \$420 per month

Subsidy: \$180 per month

- Where CDCs are located, what is the average cost difference between CDC child care costs and comparable civilian child care services?

Answer Part 6: We attempt to keep the cost equal to or lower than commercial pricing. Commercial care cost varies from location to location.

- How many CDCs have wait lists, what is the total number of currently wait-listed families and what is the average length of time a family remains on the wait list before a child is enrolled?

Answer Part 7: There are currently 305 children on Coast Guard CDC waitlists. The average wait time depends on the age of the child. Generally, older children have shorter wait times. However, there are multiple factors that may affect a wait list's time frame, including the need to transition enrolled children into older aged classrooms.

- How has the need for child care support and services affected Coast Guard retention or readiness?

Answer Part 8: The Coast Guard has limited analysis regarding impact on retention and readiness, but we recognize the importance of available and affordable child care services to the overall health of the workforce.

- Does the Coast Guard conduct any surveys or otherwise collect any data to assess whether the need for greater child care support is impacting member retention or mission readiness?

Answer Part 9: While the Coast Guard has not conducted organization-wide studies, Bases may develop a Business Case Analysis to determine if a need exists for an on-site CDC. However, that determination is not specifically based on the impacts to member readiness or mission readiness.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Lucille Roybal-Allard

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Travel on Coast Guard Aircraft

- Please provide a table showing all funds expended by the Coast Guard and all uses of Coast Guard aircraft, if fully reimbursed, for travel of political employees for travel in 2016 through the present. Include the name of each individual traveling (including all non-Coast Guard personnel), location(s) visited, total costs (direct and indirect), and purpose of the travel.

Answer:

Political Employee Last Name	Political Employee First Name	Travelers Organization	Traveler's Title	Location (s) visited	Trip Start Date	Trip End Date	Total costs (direct & indirect)	Reimbursement from DHS travel	Flight Time (hrs)	Type of Aircraft	Purpose of Travel	Justification
Rosen	Paul	DHS	DHS Chief of Staff	Washington, DC, San Jose, CA, Washington, DC	01/08/2016	01/08/2016	\$ -			C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, San Jose, CA, Washington, DC	01/08/2016	01/08/2016	\$133,018	\$56,349	9.3	C-37	Official Travel	Required Use
McDonough	Denis	DHS	White House Chief of Staff	Washington, DC, San Jose, CA, Washington, DC	01/08/2016	01/08/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Monaco	Lisa	DHS	White House Staff	Washington, DC, San Jose, CA, Washington, DC	01/08/2016	01/08/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Conyer	John	DHS	Congressman	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Dingell	Debbie	DHS	Congresswoman	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Selim	George	DHS	DHS Assistant Secretary, OCP	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Tia	DHS	DHS Assistant Secretary, OLA	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$34,327	\$14,542	2.4	C-37	Official Travel	Required Use
Lee	Jonathan	DHS	DHS Senior Advisor	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Rodriguez	Leon	DHS	DHS USCIS Director	Washington, DC, Detroit, MI, Washington, DC	01/13/2016	01/13/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Boston, MA, Teterboro, NJ, Washington, DC	01/15/2016	01/15/2016	\$38,618	\$16,359	2.7	C-37	Official Travel	Required Use
Yee	Britton	DHS	DHS Senior Advisor	Washington, DC, Boston, MA, Teterboro, NJ, Washington, DC	01/15/2016	01/15/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Parrino	Roger	DHS	DHS Senior Counselor	Washington, DC, Boston, MA, Teterboro, NJ, Washington, DC	01/15/2016	01/15/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Rosen	Paul	DHS	DHS Chief of Staff	Washington, DC, Miami, FL, Washington, DC	01/20/2016	01/20/2016	\$ -	\$ -		C-37	Official Travel	Space Available

Political Employee Last Name	Political Employee First Name	Travelers Organization	Traveler's Title	Location(s) visited	Trip Start Date	Trip End Date	Total costs (direct & indirect)	Reimbursement from DHS travel	Flight Time (hrs)	Type of Aircraft	Purpose of Travel	Justifications
Spaulding	Suzanne	DHS	DHS NPPD Under Secretary	Washington, DC; Miami, FL; Washington, DC	01/20/2016	01/20/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Miami, FL; Washington, DC	01/20/2016	01/20/2016	\$61,503	\$26,054	4.3	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Atlanta, GA; Birmingham, AL; Washington, DC	01/25/2016	01/26/2016	\$50,061	\$21,207	3.5	C-37	Official Travel	Required Use
Scalise	Steve	DHS	Congressman	New Orleans, LA; San Juan, PR; Washington, DC	01/29/2016	01/29/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Palo Alto, CA; San Fran, CA; El Paso, TX; Washington, DC	02/03/2016	02/04/2016	\$154,472	\$65,437	10.8	C-37	Official Travel	Required Use
Manfra	Jeanette	DHS	DHS Senior Advisor	Washington, DC; Palo Alto, CA; San Fran, CA; El Paso, TX; Washington, DC	02/03/2016	02/04/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Parrino	Roger	DHS	DHS Senior Counselor	Washington, DC; Palo Alto, CA; San Fran, CA; El Paso, TX; Washington, DC	02/03/2016	02/04/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Ribeiro	Pedro	DHS	DHS Deputy Assistant Secretary for Public Affairs	Washington, DC; Miami, FL; Washington, DC	02/06/2016	02/06/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Miami, FL; Washington, DC	02/06/2016	02/06/2016	\$61,503	\$26,054	4.3	C-37	Official Travel	Required Use
Isaaco	Mike	DHS	DHS Deputy Asst General Counsel	Key West, FL; Miami, FL; Washington, DC	02/10/2016	02/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Kotilla	Brodj	DHS	DHS Deputy Secretary, Policy	Key West, FL; Miami, FL; Washington, DC	02/10/2016	02/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Lane	Susan	DHS	DHS ICE HSI Deputy Director, JTF-E	Key West, FL; Miami, FL; Washington, DC	02/10/2016	02/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Micone	Vince	DHS	DHS USM Chief of Staff	Key West, FL; Miami, FL; Washington, DC	02/10/2016	02/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Lewis	Jeffrey	DHS	U.S. Senate Senior Council, Committee on Commerce, Science, and Transportation	Brownsville, TX; Washington, DC	02/18/2016	02/18/2016	\$ -	\$ -		C-37	Official Travel	Space Available

Political Employee Last Name	Political Employee First Name	Travelers Organization	Traveler's Title	Location(s) visited	Trip Start Date	Trip End Date	Total costs (direct & indirect)	Reimbursement from DHS travel	Flight Time (hrs)	Type of Aircraft	Purpose of Travel	Justification
Brzozowski	Christa	DHS	DHS Counselor to the Deputy Secretary, Policy	Washington, DC; Laredo, TX; Washington, DC	02/20/2016	02/20/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Ribeiro	Pedro	DHS	DHS Deputy Assistant Secretary for Public Affairs	Washington, DC; Laredo, TX; Washington, DC	02/20/2016	02/20/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Laredo, TX; Washington, DC	02/20/2016	02/20/2016	\$91,539	\$38,778	6.4	C-37	Official Travel	Required Use
Silvers	Robert	DHS	DHS Deputy Chief of Staff	Washington, DC; Mexico City, Mexico; New Orleans, LA; Washington, DC	02/23/2016	02/26/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Mayorkas	Alejandro	DHS	DHS Deputy DHS Secretary	Washington, DC; Mexico City, Mexico; New Orleans, LA; Washington, DC	02/23/2016	02/26/2016	\$139,025	\$58,893	9.7	C-37	Official Travel	Required Use
Ribeiro	Pedro	DHS	DHS Deputy Assistant Secretary for Public Affairs	Washington, DC; Louisville, KY; Washington, DC	03/09/2016	03/09/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Louisville, KY; Washington, DC	03/09/2016	03/09/2016	\$35,758	\$15,148	2.5	C-37	Official Travel	Required Use
Parrino	Roger	DHS	DHS Senior Counselor	Washington, DC; Louisville, KY; Washington, DC	03/09/2016	03/09/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Morgenthau	Sarah	DHS	DHS Executive Director, Policy, HSAC	Washington, DC; Boston, MA; Washington, DC	03/21/2016	03/21/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Ribeiro	Pedro	DHS	DHS Deputy Assistant Secretary for Public Affairs	Washington, DC; Boston, MA; Washington, DC	03/21/2016	03/21/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Boston, MA; Washington, DC	03/21/2016	03/21/2016	\$34,327	\$14,542	2.4	C-37	Official Travel	Required Use
Deyo	Russell	DHS	DHS Undersecretary for Management	Washington, DC; Boston, MA; Washington, DC	03/21/2016	03/21/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Coronado, CA; Los Angeles, CA; Ontario, CA; Phoenix, AZ; Tucson, AZ; Washington, DC	03/29/2016	03/31/2016	\$193,091	\$81,797	13.5	C-37	Official Travel	Required Use

Political Employee Last Name	Political Employee First Name	Travelers Organization	Traveler's Title	Location(s) visited	Trip Start Date	Trip End Date	Total costs (direct & indirect)	Reimbursement from DHS travel	Flight Time (hrs)	Type of Aircraft	Purpose of Travel	Justifications
Pino	Lisa	DHS	DHS Senior Advisor	Washington, DC; Coronado, CA; Los Angeles, CA; Ontario, CA; Phoenix, AZ; Tucson, AZ; Washington, DC	03/29/2016	03/31/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Yee	Britton	DHS	DHS Senior Advisor	Washington, DC; Coronado, CA; Los Angeles, CA; Ontario, CA; Phoenix, AZ; Tucson, AZ; Washington, DC	03/29/2016	03/31/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Connor	Suzi	HHS CDC	Deputy Chief Information Officer	Kotzebue, AK	08/24/2016	08/24/2016	\$ -			HC-130H	Official Travel	Space Available
LeBail	Hillary	DOS	Arctic Council Member	Kotzebue, AK	08/24/2016	08/24/2016	\$ -			HC-130H	Official Travel	Space Available
Berbrick	Walter	DoS	Arctic Council Member	Kotzebue, AK	08/24/2016	08/24/2016	\$ -			HC-130H	Official Travel	Space Available
Jansen	David	CG&MT	Staff Director (minority)	Iiwaco, WA; Portland, OR	05/06/2016	05/06/2016	\$40,282		3.7	H-60	Official Travel	Schedule
Bruce	Bonnie	CG&MT	Staff (majority)	Iiwaco, WA; Portland, OR	05/06/2016	05/06/2016	\$ -			H-60	Official Travel	Schedule
McGrail	Reyna	CG&MT	Staff (majority)	Iiwaco, WA; Portland, OR	05/06/2016	05/06/2016	\$ -			H-60	Official Travel	Schedule
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Miami, Florida; Washington, DC	04/05/2016	04/05/2016	\$58,642	\$24,842	4.1	C-37	Official Travel	Required Use
Mayorkas	Alejandro	DHS	Deputy DHS Secretary	Washington, DC; McAllen/Dallas, TX; Washington, DC	04/06/2016	04/06/2016	\$70,085	\$29,689	4.9	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; El Paso, TX; Washington, DC	04/22/2016	04/22/2016	\$104,412	\$44,231	7.3	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Pittsburgh, PA; Washington, DC	05/08/2016	05/08/2016	\$25,745	\$10,906	1.8	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Mountainview, CA; Oterrio, CA; Teterboro, NJ; Washington, DC	05/11/2016	05/12/2016	\$158,763	\$67,255	11.1	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Nashville, TN; Washington, DC	05/14/2016	05/14/2016	\$40,048	\$16,965	2.8	C-37	Official Travel	Required Use
Mayorkas	Alejandro	DHS	Deputy DHS Secretary	Washington, DC; Havana, Cuba; Washington, DC	05/15/2016	05/17/2016	\$71,515	\$30,295	5.0	C-37	Official Travel	Required Use

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Kenney	Kristie	DOS	Career Ambassador	Washington, DC; Havana, Cuba, Washington, DC	05/15/2016	05/17/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Groton, CT; Washington, DC	05/18/2016	05/18/2016	\$35,738	\$15,148	2.5	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; El Salvador; Comayagua, HO; Honduras, Washington, DC	05/19/2016	05/20/2016	\$133,018	\$56,349	9.3	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Waterloo, Iowa; Teterboro, NJ; Washington, DC	05/28/2016	05/28/2016	\$62,933	\$26,660	4.4	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Boston, MA; Washington, DC	06/05/2016	06/05/2016	\$37,188	\$15,753	2.6	C-37	Official Travel	Required Use
Hollis	Caryn	DOD	Deputy Assistant Secretary of Defense (DASD)	Washington, DC; Norfolk, VA; Rota Spain, Bahrain; Washington, DC	06/05/2016	06/08/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Martha's Vineyard, MA; Teterboro, NJ; Washington, DC	07/02/2016	07/03/2016	\$27,176	\$11,512	1.9	C-37	Official Travel	Required Use
Hoy	Serena	DHS	DHS ICE	Washington, DC; Key West, FL; Washington, DC	07/13/2016	07/14/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Miller	Philip	DHS	DHS ICE	Washington, DC; Key West, FL; Washington, DC	07/13/2016	07/14/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Cleveland, OH; Washington, DC	07/15/2016	07/15/2016	\$25,745	\$10,906	1.8	C-37	Official Travel	Required Use
Stabenow	Debbie	Congress	Senator	Mount Clemens, MI; Washington, DC	07/20/2016	07/20/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Cornyn	John	Congress	Senator	Washington, DC; Key West, FL; Washington, DC	07/21/2016	07/22/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC; Aspen, CO; Washington, DC	07/26/2016	07/28/2016	\$95,830	\$40,595	6.7	C-37	Official Travel	Required Use
Carter	John	Congress	Congressman	Anchorage, AK; Austin, TX	08/09/2016	08/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Roybal-Allard	Lucille	Congress	Congresswoman	Anchorage, AK	08/09/2016	08/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available

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Johnson	Jeh	DHS	DHS Secretary	Teterboro, NJ, Detroit, Michigan, Teterboro, NJ	08/10/2016	08/10/2016	\$42,909	\$18,177	3.0	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Teterboro, NJ, Baton Rouge, LA, Washington, DC	08/18/2016	08/18/2016	\$72,945	\$30,901	5.1	C-37	Official Travel	Required Use
King	Angus	Congress	Senator	Washington, DC, Kangerussuaq, Greenland, Portland, ME, Washington, DC	08/22/2016	08/25/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Jenkins	Evan	Congress	Congressman	Kodiak, AK, Juneau, AK, Sitka, AK, Somerset, KY	08/25/2016	08/29/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Rodgers	Hal	Congress	Congressman	Kodiak, AK, Juneau, AK, Sitka, AK, Somerset, KY	08/25/2016	08/29/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Chicago, IL, Washington, DC	09/03/2016	09/03/2016	\$42,909	\$18,177	3.0	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Raleigh Durham, NC, Teterboro, NJ	09/08/2016	09/08/2016	\$31,467	\$13,330	2.2	C-37	Official Travel	Required Use
Babin	Brian	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Boustany	Charles	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Emmer	Thomas	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Fortenberry	Jeff	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Graves	Garrett	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Rokita	Todd	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Smith	Jason	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Womack	Steve	Congress	Congressman	Washington, DC, Baton Rouge, LA, Washington, DC	09/09/2016	09/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Orlando, FL, Washington, DC	09/12/2016	09/12/2016	\$50,061	\$21,207	3.5	C-37	Official Travel	Required Use

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Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Cincinnati, OH, Washington, DC	09/14/2016	09/14/2016	\$37,188	\$15,753	2.6	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	New York City, NY, Washington, DC	09/22/2016	09/22/2016	\$12,873	\$ 5,453	0.9	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Tampa, FL, Washington, DC	09/29/2016	09/29/2016	\$58,642	\$24,842	4.1	C-37	Official Travel	Required Use
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Mexico City, MX, McAllen, TX, Washington DC	10/10/2016	10/12/2016	\$121,576	\$51,502	8.5	C-37	Official Travel	Required Use
Dimarco	Susan	DHS	DHS Secretary Spouse	Washington, DC, Mexico City, MX, McAllen, TX, Washington DC	10/10/2016	10/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Hoy	Serena	DHS	DHS Senior Counselor to the Secretary	Washington, DC, Mexico City, MX, McAllen, TX, Washington DC	10/10/2016	10/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Ragsdale	Daniel	DHS	DHS Deputy Director of ICE	McAllen, TX, Washington DC	10/12/2016	10/12/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Bersin	Alan	DHS	DHS Staff, Assistant Secretary for International Affairs and Chief Diplomatic Officer	Washington, DC, Mexico City, MX,	10/10/2016	10/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Huston	Mike	DHS	DHS Staff, Principal Director Office of Policy	Washington, DC, Mexico City, MX,	10/10/2016	10/10/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Burriesci	Kelli-Anne	DHS	DHS Staff, Deputy Assistant Secretary, PLCY	Washington, DC, Ottawa, CA, Washington DC	10/27/2016	10/27/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Washington, DC, Ottawa, CA, Washington DC	10/27/2016	10/27/2016	\$44,339	\$18,783	3.1	C-37	Official Travel	Required Use
Myers	Deborah	DHS	DHS Staff, Director of Canadian Affairs	Washington, DC, Ottawa, CA, Washington DC	10/27/2016	10/27/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh	DHS	DHS Secretary	Teterboro, NJ, Groton CT, Teterboro, NJ	11/24/2016	11/24/2016	\$20,024	\$8,483	1.4	C-37	Official Travel	Required Use
Johnson	Jeh Sr	DHS	DHS Secretary Dependent	Teterboro, NJ, Groton CT, Teterboro, NJ	11/24/2016	11/24/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Jeh Jr	DHS	DHS Secretary Dependent	Teterboro, NJ, Groton CT, Teterboro, NJ	11/24/2016	11/24/2016	\$ -	\$ -		C-37	Official Travel	Space Available

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Dimarco	Susan	DHS	DHS Secretary Spouse	Teterboro, NJ, Groton CT, Teterboro, NJ	11/24/2016	11/24/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Natalie	DHS	DHS Secretary Dependent	Teterboro, NJ, Groton CT, Teterboro, NJ	11/24/2016	11/24/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Johnson	Norma	DHS	DHS Secretary Dependent	Teterboro, NJ, Groton CT, Teterboro, NJ	11/24/2016	11/24/2016	\$ -	\$ -		C-37	Official Travel	Space Available
Kelly	John	DHS	DHS Secretary	Washington, DC, Miami, FL, Washington DC	1/27/2017	1/27/2017	\$64,364	\$27,266	4.5	C-37	Official Travel	Required Use
Nielsen	Kirstjen	DHS	DHS Chief of Staff	Washington, DC, Miami, FL, Washington DC	1/27/2017	1/27/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Kelly	John	DHS	DHS Secretary	McAllen, TX, Washington DC	1/31/2017	2/1/2017	\$95,830	\$40,595	6.7	C-37	Official Travel	Required Use
Nielsen	Kirstjen	DHS	DHS Chief of Staff	McAllen, TX, Washington DC	1/31/2017	2/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Alles	Randolph	DHS	DHS, Acting Deputy Commissioner of CBP	McAllen, TX, Washington DC	1/31/2017	2/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Burke	Jenny	DHS	DHS, Director of Communications	McAllen, TX, Washington DC	1/31/2017	2/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Hamilton	Gene	DHS	DHS Staff, Counselor to the Secretary	McAllen, TX, Washington DC	1/31/2017	2/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Kelly	John	DHS	DHS Secretary	Washington, DC, Nogales, AZ, San Diego, CA, Washington DC	2/9/2017	2/11/2017	\$141,600	\$59,984	9.9	C-37	Official Travel	Required Use
Burke	Jenny	DHS	DHS Staff, Director of Communications	Washington, DC, Nogales, AZ, San Diego, CA, Washington DC	2/9/2017	2/11/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Hamilton	Gene	DHS	DHS Staff, Counselor to the Secretary	Washington, DC, Nogales, AZ, San Diego, CA, Washington DC	2/9/2017	2/11/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Vitiello	Ron	DHS	DHS Staff, Border Patrol Chief	Washington, DC, Nogales, AZ, San Diego, CA, Washington DC	2/9/2017	2/11/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Kelly	John	DHS	DHS Secretary	Washington, DC, Munich, Germany, Washington DC	2/16/2017	2/18/2017	\$246,012	\$104,215	17.2	C-37	Official Travel	Required Use
Nielsen	Kirstjen	DHS	DHS Chief of Staff	Washington, DC, Munich, Germany, Washington DC	2/16/2017	2/18/2017	\$ -	\$ -		C-37	Official Travel	Space Available

Politest Employee Last Name	Politest Employee First Name	Travelers Organization	Traveler's Title	Location(s) visited	Trip Start Date	Trip End Date	Total costs (direct & indirect)	Reimbursement from DHS travel	Flight Time (hrs)	Type of Aircraft	Purpose of Travel	Justification
Cassidy	Ben	DHS	DHS Staff, Senior Advisor, OLA	Washington, DC, Munich, Germany, Washington DC	2/16/2017	2/18/2017	\$ -	\$ -		C-37	Official Travel	Space Available
King	Matt	DHS	DHS Staff, Deputy Assistant Secretary, PLCV	Washington, DC, Munich, Germany, Washington DC	2/16/2017	2/18/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Kelly	John	DHS	DHS Secretary	Washington, DC, Palm Beach, FL, Washington DC	3/4/2017	3/4/2017	\$60,073	\$23,448	4.2	C-37	Official Travel	Required Use
Mielsen	Kirstjen	DHS	DHS Staff, Chief of Staff	Washington, DC, Palm Beach, FL, Washington DC	3/4/2017	3/4/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Blanco	Ken	DHS	DOJ Deputy Assistant Attorney General	Washington, DC, Bogota, COL., Washington DC	3/6/2017	3/8/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Day	Kendall	DHS	DOJ Chief	Washington, DC, Bogota, COL.	3/6/2017	3/6/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Fitzpatrick	Mike	DHS	DOS Deputy Assistant Secretary	Washington, DC, Bogota, COL., Washington DC	3/6/2017	3/8/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Hollis	C	DHS	DOD Assistant Secretary of Defense for Special Operations and Low-intensity Conflict	Washington, DC, Bogota, COL., Washington DC	3/6/2017	3/8/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Lynch	Sarah-Ann	DHS	USAID Acting Assistant Administrator	Washington, DC, Bogota, COL.	3/6/2017	3/6/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Talbot	Eric	DHS	Office of National Drug Control Policy, Associate Director	Washington, DC, Bogota, COL.	3/6/2017	3/6/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Whitlock	Joseph	DHS	Department of Defense	Washington, DC, Bogota, COL.	3/6/2017	3/6/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Brownfield	William	DHS	DOS Assistant Secretary	Bogota, COL., Washington DC	3/8/2017	3/8/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Carraway	Mel	DHS	DHS Staff, Director OPE	Washington, DC, Seattle, WA, Washington DC	3/30/2017	4/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Hoffman	Jonathan	DHS	DHS Staff, Assistant Secretary of Public Affairs	Washington, DC, Seattle, WA, Washington DC	3/30/2017	4/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available
Kelly	John	DHS	DHS Secretary	Washington, DC, Seattle, WA, Washington DC	3/30/2017	4/1/2017	\$131,588	\$55,743	9.2	C-37	Official Travel	Required Use
Kelly	Karen	DHS	DHS Secretary Spouse	Washington, DC, Seattle, WA, Washington DC	3/30/2017	4/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available

Political Employee Last Name	Political Employee First Name	Travelers Organization	Traveler's Title	Location (s) visited	Trip Start Date	Trip End Date	Total costs (direct & indirect)	Reimbursement from DHS travel	Flight Time (hrs)	Type of Aircraft	Purpose of Travel	Justification
Nielsen	Kirsujen	DHS	DHS Staff, Chief of Staff	Washington, DC, Seattle, WA, Washington DC	3/30/2017	4/1/2017	\$ -	\$ -		C-37	Official Travel	Space Available

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE David Price

Admiral Paul Zukunft, Commandant

United States Coast Guard

Committee on Appropriations

Subcommittee on Homeland Security

FY 2018 Requirements, Priorities, and Future Acquisition Plans

May 18, 2017

Strip-to-Paint Facility

Background: Flying C-130 aircraft from Base Elizabeth City to New Mexico to be stripped and painted creates bottlenecks in the Coast Guard's otherwise efficient MRO process. Former ALC Captain Jim Martin estimated that the cost of a strip-and-paint facility at Base Elizabeth City would pay for itself in operational savings in as few as seven years. Elizabeth City has offered to build a strip-and-paint facility on construction-ready city-owned property adjacent to Base Elizabeth City that is connected by a C-130-capable taxiway. Elizabeth City would be willing to lease the facility to the Coast Guard at a capitalization rate sufficient to cover the City's debt service and to deed the building and land to the Coast Guard after retiring the debt.

Question: Forging a partnership with Elizabeth City reduce down-time in the Coast Guard's C-130 fleet and save taxpayer money.

- Is the Coast Guard currently engaged in any efforts to reduce down-time in the C-130 fleet?

ANSWER PART 1: The Coast Guard is engaged in continuous efforts to improve overall efficiency and effectiveness of its depot maintenance activities to maximize operational availability for the Coast Guard's C-130 fleet and all the airframes serviced in Elizabeth City.

- What is the status of this potential partnership with Base Elizabeth City?

ANSWER PART 2: While there has been past dialogue on this topic between Elizabeth City and the Coast Guard, there are no current discussions. However, the Coast Guard is always seeking a competitive environment in which to contract these types of services.

QUESTIONS FOR THE RECORD SUBMITTED BY

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May 18, 2017

Runway 1-19

Background: The Elizabeth City Regional Airport has been working with USCG and North Carolina Department of Transportation to lease and rehabilitate the abandoned Runway 1-19 from the Coast Guard. In addition to improving general aviation access to the Regional Airport, rehabilitating Runway 1-19 would provide an additional margin of safety in heavy crosswinds, especially for the pilots of the Coast Guard's two-engine fixed-wing aircraft.

Question:

- What is the status of the Runway 1-19 partnership?

Answer: The Coast Guard has been approached by Elizabeth City regarding leasing options of Runway 1-19. This request is being evaluated and reviewed by our Real Property and Legal Staff. We look forward to continuing our discussions with the Regional Airport.

WEDNESDAY, MAY 24, 2017.

**UNITED STATES DEPARTMENT OF HOMELAND
SECURITY**

WITNESS

HON. JOHN F. KELLY, SECRETARY OF HOMELAND SECURITY

Mr. CARTER. All right. Today's hearing is called to order.

Welcome to the subcommittee's first hearing on the Department of Homeland Security's fiscal year 2018 presidential budget request.

I would like to extend a special welcome to today's witness, Secretary John Kelly.

Mr. Secretary, we are very pleased you answered the President's call to lead DHS. Having someone with your credentials at the Department will strengthen it and enrich it. It is good to begin the fiscal year 2018 appropriation cycle. Despite the late start, I am confident the subcommittee will produce a bill that supports the Department's mission, balances competing interests, and is affordable to the American taxpayers.

Before I dive into the numbers, Mr. Secretary, I have a couple of pieces of advice. First never lose focus on the Department's highest priority of keeping the Nation safe and enforce the law of the United States. With your reputation, I know you will do that.

Second, stay in touch with me, Ms. Roybal-Allard, and the subcommittee, and let us know when you need help. Everyone on this subcommittee wants DHS to be successful meeting its mission, besides, failure is absolutely unacceptable.

Two, I know I speak for everyone when I promised we will always listen respectfully to your suggestions and advice, and we will be reasonable and evenhanded in our responses.

I for one am grateful the President directed you and the men and women of DHS to focus on the Department's law enforcement missions.

I am tremendously pleased catch and release is a relic of the past. And as a result, illegal crossings of the border are 60 percent lower—64 percent lower than in April the same time last year.

This is proof that the President enforcing the Nation's immigration laws is a forceful deterrent. I am also satisfied with the \$1.5 billion border security package included in the fiscal year 2017 omnibus bill. Simply enacting legislation that supports enhanced border security and interior enforcement sends a powerful message to human traffickers and drug runners that business as usual on the border is over. If you break our Nation's laws and cross the border illegally, you will suffer the consequences, which is a guaranteed stay in detention.

The fiscal year 2018 request continues the administration's emphasis on law enforcement, and that is important. The total discretionary funds requested is \$44.06 billion, which is an increase of \$1.66 billion over last year. Items I am pleased to see you included are the \$2.6 billion for border security, which includes 74 miles of physical barrier along the southwest border and significant investments in surveillance, technology, and aviation systems; \$4.9 billion for enforcement and removal operations, including \$3.6 billion for 51,379 detention beds, an increase of 12,055 above the amount provided in fiscal year 2017. Additional funding is proposed to actively enforce the Nation's immigration laws.

Substantial increases are proposed for additional law enforcement agents at Border Patrol and Immigration and Customs Enforcement. Though I support this initiative this subcommittee will take a hard look at whether it will succeed. As I am sure you know, attrition in both organizations has outpaced hiring in the last 2 years, despite congressional increases for incentive programs. I am not inclined to leave money on the table if DHS is unable to meet these hiring goals.

For the first time in many years, the United States Secret Service request meets their requirements.

I have concerns, too. The cyber threat to the Nation's network and critical infrastructure grows daily, yet, the budget for cybersecurity has not increased at all from your current level of funding.

While there is funding for border security, there should also be corresponding increases for our ports of entry where the majority of all illicit drugs and currency enter our country. Physical barriers may stop human trafficking, but they are not the only means of decreasing illegal drugs and currency.

Slashing funds for FEMA critical grants and training programs by \$918 million is worrisome and shortsighted, especially for cities that are targets of terrorism.

Likewise, I am surprised and disappointed that the administration chose to perpetuate the last administration's bad habit of proposing fees to increase TSA and using it as an offset despite knowing it is unlikely to become law.

While balancing all the continuing priorities of DHS is an understandable challenge, I remain concerned about reliance on budget gimmicks and cuts to important national security programs. I hope the fiscal year 2019 request will focus on the Nation's homeland security priorities and not allow offsets that this subcommittee doesn't control.

In conclusion, I want to restate my commitment to work with you, and I also want to take a moment to commend the budget offices of every DHS component and at DHS headquarters. Executing under a CR, proposing and advocating for a budget amendment, and developing a new budget request over a 2-month period is a monumental undertaking. They deserve our thanks.

I want you to know that I am blessed to have Lucille Roybal-Allard as my ranking member. She and I don't always agree 100 percent on the policy, but her balance and helpful approach engenders collaboration, which means a better bill for the men and women of DHS. For that, I want to thank her and recognize her for any remark she wishes to make.

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman.

Good afternoon, Mr. Secretary, and welcome to your first appearance before this subcommittee.

There is no doubt that you have a really hard job, and in my opinion, among the hardest in government.

The Department is still quite young and still maturing in institutional terms, and it has a large and diverse set of components and missions.

Some of those missions, as you well know, are extremely controversial. We will disagree about some policies and priorities as we did with your predecessor. In some cases, we will strongly disagree. We do, however, share the common goal of protecting our country and its values.

My hope is that we will have the same constructive working relationship with you that we had with Secretary Johnson.

The members of the subcommittee have the common goal of appropriately resourcing the Department to protect and to serve our country. This includes supporting the men and women who make up your Department, the vast majority of whom are fully dedicated to their work and are performing admirably.

Immigration enforcement will be the biggest challenge that we will face in working together. I hope you understand that in my view, the crux of this issue is not simply a matter of enforcing the law or not. It is the manner in which that enforcement is done.

It is also a question of the incremental benefit to the Nation of significant new investments in border security and immigration enforcement actions and capabilities.

Each additional segment of physical barrier at the border and each initiative to hire more immigration enforcement officers comes potentially at the expense of things like State and local preparedness, cybersecurity, investments in the Coast Guard fleet, and a multitude of other priorities outside of our bill.

So it isn't enough to simply ask whether an investment would improve homeland security. We must also ask what the incremental benefit is, what the downsides are, and what the tradeoffs are.

Mr. Secretary, our immigration laws are entirely out of step with the situation on the ground in this country. On your watch, I know you see an aggressive enforcement posture as faithfully carrying out the laws currently on the books, but you do have discretion.

And right now, that aggressive enforcement is upending the lives of millions of people, the vast majority of whom are valuable, contributing members of their communities. The vast majority of whom are guilty of no criminal acts. The vast majority of whom have been in this country for many years working jobs that others are unwilling to do.

For example, I have had growers from California and representatives from the hotel and restaurant industry tell me and other Members of Congress about the devastating economic impact current enforcement policies will have and in some cases are already having on our State and national economy. These consequences are also a threat to national security.

The ultimate answer is for Congress to enact comprehensive immigration reform that lays out a path to legal status and eventu-

ally, if one meets all the criteria for eligibility, citizenship. Many of us desperately want that to happen.

While it is up to Congress to pass reform legislation, you, as Secretary of Homeland Security, could play an important role in helping that to come about.

I also want to encourage you to continue an effort that was begun by your predecessor that is very important to this subcommittee. Secretary Johnson made a high priority of maturing the Department's planning, budgeting, and acquisition processes, including working with us to establish a common appropriation structure.

I hope that you will capitalize on his accomplishments by also making it your priority to further improve and institutionalize those processes.

We have a lot to discuss this afternoon, and I look forward to your testimony and your responses to our questions.

Thank you, Mr. Chairman.

Mr. CARTER. I thank you, Ms. Roybal-Allard.

I now recognize Rodney Frelinghuysen, the chairman of the full committee.

Mr. FRELINGHUYSEN. Thank you, Chairman Carter, for the time.

I also want to welcome the Secretary here to the Appropriations Committee. We look forward to your testimony, and hearing your frank and candid views on many issues.

All of us up here thank you for your remarkable service, as a Marine of over 45 years and now as Secretary of Department of Homeland Security. We appreciate all of that you have done for our Nation.

Today's hearing is an important part of the oversight duties of this committee, now that we have formally received the administration's budget request. The committee will undertake a thorough analysis of it. We will go through each and every budget line, question every witness, and demand credible spending justifications and only then will we make our own determinations on the best use of tax dollars.

We intend to put forward a complete set of appropriations bills that adequately fund important programs while working to reduce and eliminate waste and duplication.

I will work with the ranking member, Mrs. Lowey and Chairman Carter, and Ms. Roybal-Allard to move rapidly in the coming weeks and months to complete the fiscal year 2018 appropriations bills.

Again, today's hearing is part of a process we followed to determine the best use of taxpayers' dollars. After all, the power of the purse lies in this building. It is the constitutional duty of Congress to make spending decisions on behalf of the people we represent at home.

Some here on the committee may know that hundreds of families, almost 700 in New Jersey, and in my congressional district, lost loved ones on September 11 in those terrorist attacks.

Although it took years for the Nation to recover from that attack, the events of that day made us rethink how we protect the Nation and allowed us to learn from prior mistakes in order to prepare for and stop the next attack.

Mr. Secretary, I wholeheartedly agree with your recent assessment that the risk of a terror attack on these United States in your own words is as threatening today as it was on that faithful day in September in 2001.

And, unfortunately, this week, we witnessed another horrific attack on our British allies, and we extend our greatest sympathy to these young victims and their families.

That is why we must be certain to continue to invest in critical programs like the Federal Emergency Management Agency's urban area security initiatives that ensure our communities, which face the greatest risk, are able to respond to ever-growing and more complex threats.

The fiscal year 2018 budget request proposes a 25 percent cut to the Urban Area Security Initiative the (UASI) program. And I am eager to hear how your Department will continue to ensure the necessary resilience while absorbing such a large deduction.

In light of the recent spike of anti-Semitic crimes, which were directed at hundreds of Jewish schools, and synagogues, and temples, and community centers in the United States, including those in my district, we must continue to direct funding to the UASI nonprofit security grant program, which provides at risk nonprofit institutions of all faiths, critical assistance to bolster their physical security.

And lastly, I would like to give a shout out to one of your most important urban search and rescue teams, including New Jersey's task force one, which became a federally designated team this time last year. New Jersey task force one, which was the first team to respond to the tragedy at the World Trade Center on 9/11 was activated and responded to also to Hurricane Matthew in October. These teams are essential to the entire Nation.

In conclusion, I welcome you.

And I thank the chairman for the time, and I yield back.

Mr. CARTER. I thank you, Mr. Chairman.

I now recognize Mrs. Lowey, the ranking member of the full committee.

Mrs. LOWEY. Thank you. And I would like to thank Chairman Carter and Ranking Member Roybal-Allard for holding this hearing. And, of course, it is always a pleasure for me to appear with Chairman Frelinghuysen, who is a distinguished chair of the full committee.

Secretary Kelly, welcome and thank you for joining us.

The Department of Homeland Security's mission is to secure our Nation from consistent threat. It is not an easy one. It is underscored by the tragic attack in Manchester earlier this week. To keep us safe, different agencies within the Department of Homeland Security must effectively coordinate and cooperate while also working closely with other Federal, State, and local agencies.

The budget request, unfortunately, does not fully reflect the grave character of the threats we face. In New York and many other States, preparedness grants are the difference between being able to prevent, mitigate, respond to, and recover from acts of terrorism or not.

Secretary Kelly, put simply, your budget proposal would make communities like those in my district and regions less safe. The

State Homeland Security grant program, which enhances local law enforcement's ability to prevent and respond to acts of terrorism, would be reduced by \$118 million or over 25 percent, reduced at this time of the absolute need for response as quickly as possible. That results in a nearly 20 million reduction for my home State of New York alone.

The Urban Area Security Initiative, which as you know assists high threat, high density urban areas, arguably the most vulnerable, would be cut by 26 percent or \$156 million. That is a nearly \$45 million cut for New York. Maybe the people who put this budget together are not really watching the news that we all were watching just this week.

The emergency food and shelter program is eliminated, as is the flood hazard mapping and risk analysis program.

State and local jurisdictions cannot effectively plan for the worst when support from their Federal partner is inconsistent or insufficient.

In addition to terror threats, we know that the severity and cost of natural disasters are increasing, and mitigation efforts can reduce taxpayer support in response to a disaster.

We cannot expect communities to realistically prepare for natural disasters with proposed cuts of 55 million to the predisaster mitigation program.

As I said, while negotiating the fiscal year 2017 omnibus, I cannot support a single cent, let alone 1.6 billion for a boondoggle of a wall. It is an unjustified request based on a campaign promise and simply cannot be taken seriously by this committee.

President Trump's budget request slashing \$54 billion from non-defense investment would decimate the Department of Homeland Security.

In fact, even existing sequestration level caps are insufficient and would lead to reduce services that American families and communities need, including law enforcement and first responders.

It is time, Mr. Secretary, for a new budget deal to end sequestration once and for all, in part to prevent disastrous cuts to critical Homeland Security grant programs.

Now more than ever, this committee must support the Department's essential and complex mission, but we cannot do that at the expense of State and local preparedness.

So I look forward to a productive discussion today, and I thank you for your service to our country.

Mr. CARTER. Thank you, Mrs. Lowey.

We are going to stick to a 5-minute rule, probably try to warn you when you have got 1 minute left, but keep an eye on the clock.

Mr. Secretary, we are going to allow you to make your opening statement now. Your statement will be entered into the record, so you can make it shorter and easier on us.

OPENING STATEMENT—SECRETARY KELLY

Secretary KELLY. Well, Mr. Chairman, Ranking Member Roybal-Allard, and distinguished members of the subcommittee, it really is a privilege to be here.

I know you feel the same way I do that a government has no greater responsibility than the safety and security of its citizens. A

secure homeland is one of prosperity where legal trade and travel add to the National economy. A secure homeland is one of freedom where American citizens can go about their lives without fear. And a secure homeland is one of laws which we enforce to keep our communities safe.

So it is with great honor and privilege to appear before you today to discuss the men and women of the Department of Homeland Security and the critical missions they carry on every day in service to this Nation.

I believe the President's fiscal year 2018 budget request for the Department of Homeland Security will make it possible for us to continue and expand on our ability to protect the Nation and its people.

We know that threats are out there. We know that our passenger aviation is an example, our top prize in the eyes of terrorist organizations around the globe. We know that transnational criminal organizations are bringing drugs across our borders both on land and sea in massive numbers at a devastating rate.

We know that our Nation's cyber systems run a constant attack. We know that natural disasters devastate American hometowns. We also know that DHS is up to the job of protecting the United States against all of these threats and many, many more.

Just last week, the Coast Guard offloaded more than 18 tons of cocaine they seized in international waters off the eastern Pacific ocean. That is roughly the weight of nine cars. And it is certainly at least as estimated \$498 million worth of drugs, but more importantly, drugs that won't serve to poison our citizens.

This week, on May 8, and 14, TSA Transportation Security Administration discovered—between May 8 and 14, discovered 76 firearms in carry-on luggage. In 6 weeks, ICE arrested more than 1,000 gang members in a nationwide multi-law gang enforcement operation. The men and women at DHS are making a difference. They are making our Nation more secure, but we need a budget that matches our mission.

No more continuing resolutions. We have to be able to plan, and I think this budget does that.

The President's fiscal year 2018 budget requests 44.1 billion in net discretionary funding for the Homeland Security Department. It also requests 7.4 billion to finance the cost of emergencies and major disasters in FEMA's Disaster Relief Fund.

When you are talking about numbers like these, it is easy to lose sight of what is behind each dollar. When you get right down to it, behind each and every dollar are hardworking men and women who have dedicated their lives to protecting the American people by enforcing the laws that you have passed.

They are taking dangerous criminals off our streets, keeping terrorists out of the country, and drugs off of our streets. They are investigating crimes with international implications. They are making sure passengers get to their destinations safely. They are responding to devastated communities in the wake of natural disasters. And they are patrolling and maintaining our Nation's waterways, waterways that support \$4.5 trillion in economic activity every year.

Every dollar invested in the men and women of DHS and every dollar invested in the tools, the infrastructure, equipment, and training they need to get the job done is an investment in prosperity, freedom, and the rule of law. It is an investment in the security of the American people.

There is no greater responsibility in a time of no greater need than now.

I would be remiss if I did not mention the terrorist attack in Manchester on Monday, as some of you have. Our friends in the U.K. suffered a terrible loss this week with 22 dead and dozens others wounded. Our thoughts and prayers are with them. The U.S. Government is actively working, as you can imagine, with the British, the FBI, the intelligence community, DHS, and others to assist their investigation in any way that we can.

Their enemy is our enemy. He is evolving, becoming more reprehensible, even targeting children. He is much more sophisticated, adaptive. He is global. And you can bet that your DHS is working every day to meet these threats.

I appreciate the opportunity to appear here today, particularly as I can speak about the great men and women of DHS, the foot soldiers who protect us in the home fight. I thank you for your continued support of DHS. I remain continued—committed, rather, to working with Congress in protecting the American people.

I look forward to answering your questions, sir, ma'am.

[The information follows:]



TESTIMONY
OF
THE HONORABLE JOHN F. KELLY
SECRETARY
U.S. DEPARTMENT OF HOMELAND SECURITY
REGARDING A HEARING ON
“THE FY 2018 DEPARTMENT OF HOMELAND SECURITY BUDGET”
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY
Wednesday, May 24, 2017
Washington, DC

Chairman Carter, Ranking Member Roybal-Allard, and distinguished Members of the Subcommittee:

It is a great honor and privilege to appear before you today to discuss the Department of Homeland Security's (DHS) crucial missions of protecting the homeland and securing our borders.

The men and women of DHS are exceptional and dedicated professionals who work tirelessly in support of our mission to safeguard the American people, our homeland, and our values with honor and integrity. I am pleased to appear before you to present the President's Fiscal Year (FY) 2018 Budget request for the Department of Homeland Security.

The President's Budget puts America first, and builds on DHS's accomplishments over the past 14 years. It makes critical investments in people, technology, and infrastructure for border security and the enforcement of our immigration laws. It advances cybersecurity programs, strengthens our biometric identification programs, promotes the expansion of E-Verify, and supports our new Victims of Immigration Crime Engagement (VOICE) Office. The Budget also sustains the U.S. Coast Guard (USCG), our nation's fifth service, to continue its important mission of ensuring maritime safety, security, and stewardship.

DHS is committed to the rule of law. Our men and women take an oath to defend the Constitution of the United States and uphold the laws of this great country against all enemies—foreign and domestic—and we get it done. We face diverse challenges and adversaries that do not respect the rule of law, or our borders. Our government must remain vigilant in detecting and preventing terrorist threats, including threats we face from “lone offenders,” who may be living in our communities and who are inspired by radical, violent ideology to do harm to Americans. I remain committed to tirelessly protect our country from threats, secure our borders, and enforce our laws—all while facilitating lawful trade and travel, and balancing the security of our nation with the protection of privacy, civil rights, and civil liberties.

The President's FY 2018 Budget requests \$44.1 billion in net discretionary funding for the Department of Homeland Security. The President's Budget also requests \$7.4 billion to finance the cost of emergencies and major disasters in the Federal Emergency Management Agency's (FEMA's) Disaster Relief Fund.

In order to ensure we are stretching every one of these dollars, we are striving to further improve information sharing, collaboration, and transparency, all of which are essential to leveraging the full value of every dollar DHS receives. We are expanding our cooperation with State, local, tribal, territorial, and regional partner nations, particularly Canada and Mexico. These partnerships are critical to identifying, monitoring, and countering threats to U.S. national security and regional stability.

I am also working to improve transparency and information sharing across the DHS enterprise to build efficiencies into our intelligence processes. An example of this is my ongoing support of DHS's Joint Task Forces, which link the authorities and capabilities of multiple DHS components in a unified approach that addresses emerging and priority threats to our nation. The

magnitude, scope, and complexity of the challenges we face—including illegal immigration, transnational crime, human smuggling and trafficking, and terrorism—demand an integrated counter-network approach.

Border security is a high priority, and involves protecting 7,000 miles of land border, approximately 95,000 miles of shoreline, and 328 ports of entry along with staffing numerous locations abroad. We appreciate the support Congress has provided to improve security at our borders and ports of entry. With that support, we have made great progress, but more work must be done.

The President's Budget requests \$1.6 billion for 32 miles of new border wall construction, 28 miles of levee wall along the Rio Grande, where apprehensions are the highest along the Southwest Border, and 14 miles of new border wall system that will replace existing secondary fence in the San Diego Sector, where a border wall system will deny access to drug trafficking organizations. The Budget also requests \$976 million for high-priority tactical infrastructure and border security technology improvements for U.S. Customs and Border Protection (CBP). Under the President's Executive Order No. 13767, *Border Security and Immigration Enforcement Improvements*, CBP is conducting risk assessments to the needs of frontline officers and agents that will be used to tailor an acquisition strategy going forward.

While technology, equipment, and physical barriers certainly help secure our borders, we also must have more boots on the ground. I remain committed to hiring and training new Border Patrol agents and commensurate support personnel as supported by the President's Budget and Executive Order No. 13767. Let me be clear, we will maintain our standards, yet we will streamline hiring processes. This includes initiatives like waiving polygraph testing requirements for qualified Federal, State, and local law enforcement officers, as well as members of the Armed Forces, veterans, and members of the Reserves or the National Guard, as contemplated by legislation now pending before the Congress. On a broader scale, my Deputy Secretary, Elaine Duke, and I are working hard across DHS to attract, retain, and enhance career opportunities for our workforce.

Effective border security must be augmented by vigorous interior enforcement and the administration of our immigration laws in a manner that serves the national interest. As with any sovereign nation, we have a fundamental right and obligation to enforce our immigration laws in the interior of the United States—particularly against criminal aliens. We must have additional U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) officers to expand our enforcement efforts. The FY 2018 Budget requests over \$7.5 billion in discretionary funding for ICE to support both the expansion of transnational criminal investigatory capacity within Homeland Security Investigations (HSI) as well as ERO's expanded targeted enforcement activities, including increases for more than 51,000 detention beds to accommodate expected increases in interior arrests of criminal and fugitive aliens, associated transportation and removal costs, and an estimated 79,000 participants in ICE's

Alternatives to Detention Program contract. Included in the request is \$185.9 million to hire more than 1,600 additional ICE ERO officers, HSI agents, and support personnel.

Detaining illegal aliens, and deporting them to their countries of origin, does not address the needs of members of our public who have been the targets of their crimes. For this reason, the Budget also requests an additional \$1 million to enhance the current operations of DHS's new VOICE Office, which supports victims of crimes committed by criminal aliens. As I have noted before, all crime is terrible, but these victims are unique because they are casualties of crimes that should never have taken place. The people who victimized them should not have been in this country in the first place.

To protect the American people, we must continue to improve our identification verification and vetting processes.

E-Verify is currently a voluntary program administered by U.S. Citizenship and Immigration Services that deserves more of our attention. Through E-Verify, our nation's employers verify the employment eligibility of their employees after they are hired, which in turn helps protect American workers from unfair competition. The President's Budget requests \$131.5 million for E-Verify operations, which includes an additional \$15.2 million for expansion of the program to support the mandatory use of E-Verify nationwide within three years—should Congress provide the authority to do so. We appreciate the continued support of Congress for this program.

Biometrics is another critical DHS identification and verification initiative, and I am committed to the pursuit of robust capabilities in this area. The Budget requests \$354 million to support biometric initiatives. We continue to make progress on the Biometric Entry-Exit System, with the goal of making air travel more secure, convenient, and easier.

The threat to aviation security remains high, and criminals and terrorists continue to target airlines and airports. We must continue to improve how we screen the belongings of travelers and cargo. We are in the business of protecting lives, and improved screening technologies coupled with additional Transportation Security Administration (TSA) Officers working security functions at the checkpoints, will help us deter, detect, disrupt, and prevent threats to aviation security. DHS continues to prioritize explosives screening, threat assessments, and detection capabilities, and the President's Budget includes \$77.0 million for research and development in this area. The Budget also includes \$277.2 million for checked baggage screening and explosives detection equipment.

Currently, TSA Officers screen more than two million passengers and their belongings each day, and this number is growing. Additional TSA Officers must be deployed to airport checkpoints to meet the increasing volume of travelers. The President's Budget offers a sound, two-part approach to meeting this challenge. First, the Budget proposes a much-needed increase in TSA passenger fees—only one dollar, changing the fee from \$5.60 to \$6.60, for each one-way trip.

While Congress previously denied this increase, Congress must act now in order for TSA to continue to meet its mission to protect our nation from ever evolving security threats.

Second, the Budget proposes that TSA cease staffing airport exit lanes, which will enable placement of an additional 629 TSA Officers at the checkpoints. This solution reflects risk-based analysis; TSA Officers are specially trained to ensure no metallic or non-metallic threat items make it onboard planes. Their security screening skills and expertise are not being put to good use while staffing airport exit lanes, and this is a waste of taxpayer dollars.

The President also requests \$8.4 billion in operating expenses and recapitalization costs for USCG to promote maritime safety and security. Increases to Coast Guard's operating budget will ensure the agency keeps parity with the pay and benefits increases provided to the other armed services. Additionally, the Budget funds the crewing and maintenance requirements for all new ships and aircraft scheduled for delivery in 2018. Within the \$1.2 billion request for Coast Guard's acquisition programs, \$500 million is provided to contract for the Coast Guard's first Offshore Patrol Cutter and long lead time material for the second OPC.

In addition to our physical security and protection activities, we must continue efforts to address the growing cyber threat, illustrated by the real, pervasive, and ongoing series of attacks on public and private infrastructure and networks. The FY 2018 Budget includes approximately \$971.3 million for the National Protection and Programs Directorate's cybersecurity activities, including \$397 million for continued deployment and enhancements for EINSTEIN, which enables DHS to detect and prevent malicious traffic from harming Federal civilian government networks. It also provides \$279 million for our Continuous Diagnostics and Mitigation Program to provide hardware, software, and services to strengthen the security of Federal civilian ".gov" networks.

DHS also must be vigilant in preparing for and responding to disasters, including floods, wildfires, tornadoes, hurricanes, and other disasters. The FY 2018 President's Budget reflects FEMA's efficient use of taxpayer dollars to improve the nation's resilience from disasters. FEMA will prioritize programs that contribute most significantly to its emergency management mission, streamline business processes, harness innovative technologies, and better utilize public and private sector partnerships. The President's Budget requests \$7.4 billion to support disaster resilience, response, and recovery, primarily through the Disaster Relief Fund.

The Budget provides \$1.9 billion for FEMA's grant programs that support State, local, territorial, and tribal governments to improve their security and resilience posture against risks associated with man-made and natural disasters. It represents a continued investment in State and local preparedness while spending taxpayer dollars on programs that make the most difference. The Budget also proposes a 25 percent non-Federal cost-share for those preparedness grants that do not currently have a cost-share requirement. By using a cost-sharing approach, Federal dollars are spent on activities that our non-Federal partners themselves would invest in, providing clear results in priority areas.

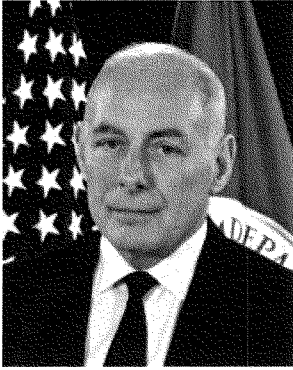
In addition to protecting our nation's financial infrastructure, under the leadership of our new Director Tex Alles, the men and women of the U.S. Secret Service (USSS) protect our nation's highest elected leaders, visiting foreign dignitaries, facilities, and major events. Using advanced countermeasures, USSS conducts operations to deter, minimize, and decisively respond to identified threats and vulnerabilities. The President's Budget includes \$1.9 billion to support USSS's missions, including investment in of advanced technologies and task force partnerships to enforce counterfeiting laws, and safeguard the payment and financial systems of the United States from financial and computer-based crimes. The funding also supports 7,150 positions – the highest staffing levels since 2011, and includes Presidential protection in New York and much-needed enhancement of technology used to protect the White House.

In closing, the challenges facing DHS and our nation are considerable. We have outstanding men and women working at DHS who are committed to protecting our homeland and the American people. The President's FY 2018 Budget request recognizes our current fiscal realities, as well as the serious and evolving threats and dangers our nation faces each day. You have my commitment to work tirelessly to ensure that the men and women of DHS are empowered to do their jobs.

Thank you again for the opportunity to appear before you today and for your continued support of DHS. I remain committed to working with Congress, and look forward to forging a strong and productive relationship to prevent and combat threats to our nation.

I am pleased to answer any questions.

Secretary John F. Kelly



The Secretary of Homeland Security leads the third largest Department of the U.S. government, with a workforce of 229,000 employees and 22 components including TSA, Customs and Border Protection, Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, FEMA, the Coast Guard, and the Secret Service. Under the Secretary's leadership, DHS is responsible for counterterrorism, cybersecurity, aviation security, border security, port security, maritime security, administration and enforcement of our immigration laws, protection of our national leaders, protection of critical infrastructure, detection of and protection against chemical, biological and nuclear threats to the homeland, and response to disasters.

Secretary Kelly was born and raised in Boston, Massachusetts. He enlisted in the Marine Corps in 1970, and was discharged as a sergeant in 1972, after serving in an infantry company with the 2nd Marine Division, Camp Lejeune, North Carolina. Following graduation from the University of Massachusetts in 1976, he was commissioned an Officer of Marines.

As an officer, Secretary Kelly served in a number of command, staff and school assignments to include sea duty, instructor duty at The Basic School, the Infantry Officer Course, command of the 1st Light Armored Reconnaissance Battalion, attendance at the National War College, and duty on Capitol Hill as the Commandant's liaison to the U.S. Congress. He also served as the Special Assistant to the Supreme Allied Commander, Europe, in Mons, Belgium.

He returned to the United States in 2001, and was assigned duty as the Assistant Chief of Staff G-3 with the 2nd Marine Division. In 2002, selected to the rank of Brigadier General, Secretary Kelly again served with the 1st Marine Division, this time as the Assistant Division Commander. Much of the next two years was spent deployed fighting in Iraq. He then returned to Headquarters Marine Corps as the Legislative Assistant to the Commandant from 2004 to 2007. Promoted to Major General, he returned to Camp Pendleton as the Commanding General, I Marine Expeditionary Force (Forward). The command deployed to Iraq in early 2008 for a year-long mission as Multinational Force-West in Al Anbar and western Ninewa provinces. After rotating home and being confirmed as a Lieutenant General he commanded Marine Forces



**Homeland
Security**

Reserve and Marine Forces North from October 2009 to March 2011. He then served as the Senior Military Assistant to two Secretaries of Defense, Messrs. Gates and Panetta, from March 2011 to October 2012 before being nominated for a fourth star and command of the United States Southern Command (SOUTHCOM), a position he held until January 2016.

During his 39 months in command of SOUTHCOM he worked closely with the remarkable men and women of U.S. law enforcement, particularly the FBI and DEA. He also worked intimately with Secretary of Homeland Security Jeh Johnson and the equally remarkable men and women of the Department of Homeland Security, particularly in dealing with the flow of drugs, people and other threats against the U.S. homeland that flow along the trans-national criminal networks into the U.S. from the south. This relationship was a model of interagency cooperation and effectiveness.

After less than a year in retirement Secretary Kelly was offered the opportunity to serve the nation and its people again, now as the Secretary of Homeland Security. After he and his family served a lifetime in service to the nation—and knowing no other life—the opportunity to serve again was welcomed. The U.S. Senate gave him and his family the great honor of confirming him on January 20, 2017 and he was immediately sworn in as the fifth Secretary of Homeland Security.



**Homeland
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STRATEGIC IMPERATIVES

Mr. CARTER. Well, thank you, Secretary Kelly. We appreciate you being here.

Mr. Secretary, you are one the longest serving cabinet members in this administration, having been confirmed on the job on January 20th. Since you have been at DHS, have you identified strategic imperatives for the department?

Secretary KELLY. Great question, sir.

One of the things I think that came to me right away when the took the organization—again, I can't speak enough about the men and women of DHS. They are the most criticized, maligned organization group of people in the Federal Government, and I have found them to be honorable men and women who take their jobs seriously. So that is one discovery.

Another discovery is that there is an awful lot—despite the fact that Department of Homeland Security is a very disparate organization, it—there are many places, and Jeh Johnson really started this unity of effort thing, and I think it makes a lot of sense.

My number two, and I think I might be the only one with a number two in the Federal Government right now, Elaine Duke, who was confirmed a couple of weeks ago and is on the job, among other rocks that are put into her path is this issue of how do we take what Jeh Johnson put in place, the unity of effort initiative, and really accelerate that and find places where it makes sense to find efficiencies and to try to get everyone kind of in a tent.

I was shocked to find that throughout the agency there are a number of paying benefits schemes, that people in the Secret Service don't get the same—are not on the same pay scale as the people in INA, and the people that are—ICE don't stand in the same way from a paying benefits point of view as does, say CBP. Those are acquisition.

I found that we had two parts of the organization going to the process of researching and developing, acquiring the same piece of equipment. You know, this is something that DOD mostly, almost entirely, because the United States Congress in 1985, they solved that with a gold-wadded nickles kind of thing.

So, I mean, it does work. So I am looking for those kind of things to increase the efficiency of the Department.

But there are other aspects that I have learned, to say the least, and that is the highly politicized nature of what I do, of what the men and women of this Department do, and also press reporting.

Now that said, in defense of the press and others, I don't think we had a particularly good approach to interacting with the press and, frankly, with the Hill. We have put first-class people in my liaison section in DHS and in the public affairs section. We are leaning forward as fast as possible to serve the needs of the United States Congress, quicker, certainly quicker, than it was done before. I remember during the process of being confirmed, almost every Member I talked to said you are the worst in the Federal Government for responding to letters or requests or whatever, and that is unacceptable, and we are changing that.

The same thing with the media. We didn't have a very good outreach to explain what we are doing. What the media does with that

information, of course, is up to them, but those are the kind of things, Mr. Chairman, that I found early on and doing the best I can to address.

DETENTION: CAPACITY

Mr. CARTER. Those are a lot of things that this committee has been concerned about, and we are, I think, pretty much in agreement that all of those things need to be fixed. So congratulations. You got a good eye.

Mr. Secretary, the fiscal year 2018 budget proposes \$49 billion for enforcement of illegal migration, including 3.6 billion for 51,379 detention beds and custody operations, an increase of 1 billion dollars and 12,055 detention beds. The average daily population of detainees has been steadily dropping since the President signed the executive order on border security and strengthening enforcement of our immigration laws.

What methods and policies are DHS proposing to achieve such a dramatic uptick in detention capacity when the current trend for adult detention has slowly but steadily decreased over several months?

Please explain the assumptions used to develop the budget and whether they are still valid and—well, that is enough.

Secretary KELLY. Mr. Chairman, upfront, I think the actions that are being taken both on the border and in the interior will ultimately result in a pretty, pretty quick drop of the number of beds that we ultimately need. But let me deal with the border first.

I mean you—I think you mentioned it in your comments. Somewhere in—very close to 70 percent drop in the number of illegal—of all—illegal migrants of all types moving up through that terribly dangerous network through Mexico.

And not just central Americans, but primarily central Americans have been the travelers on that network, but individuals from all over the world as far away as Somalia, Pakistan, North Korea.

So because of what they—they don't understand, and this is a good thing, what is going on right now in terms of the enforcement and what we are doing on the border that has caused them to delay their departure, if you will.

And, by the way, working closely with the Central American countries, with the Mexican Government, of which I have a very, very close relationship, telling them what we are doing, working with them to try to convince their citizens to not pay a huge amount of money to them to get on that network, which, again, is very, very dangerous and abusive, to stay at home.

And at the same time, working in another vector to—and, again, not really my job, but we put some energy behind this, and that is to help develop economically the Central American republics, particularly Guatemala, El Salvador, and Honduras, of which with whom we have great relationships. So that is what we are doing on the border.

And that has—in messaging, and that has resulted in really a 70 percent reduction in the movement of migrants. There is a lot of good news there, but to me, I think the first thing I think about, again, are the number of people that are not on that horrible net-

work being abused, killed, in some cases, all the way up the 1,500 miles or so into the United States.

And, again, I can't emphasize enough the close relationship we have working relationships at every level with the Mexicans not to mention the Central American countries.

Interior enforcement is something—and, again, I have only been in this job 4 months, but interior enforcement, that is to say developing target packages by ICE, working oftentimes, with local law enforcement to go after specific ideally—ideally, specific illegal aliens inside the United States that are also criminals, developing those packages. There are no sweeps. There are no drop-ins to churches. We don't do that, or medical facilities or schools.

But the interior enforcement, to ideally, go after criminals who are also illegal and put them into the system if they are not already in the system. And frequently they are, and they just have dropped out of the system. And we need a place to hold them. So the interior enforcement has gone up.

And—but ideally, in my mind, over time, we will not need nearly as many—as many beds, because the legal justice process that is also in place, much of it belongs, of course, to the Department of Justice, the legal justice process of immigration courts and that kind of thing, will return people to their countries of origin much, much faster than it does today.

I mean, the real—the real sticking point right now in what we are doing is that DOJ (Department of Justice) and Attorney General Sessions and his staff are working hard at hiring more judges so we can process people through and ultimately, the number of beds we will need will go down, I think, pretty steeply.

Mr. CARTER. Thank you.

Ms. Roybal-Allard.

DETENTION: POLICIES

Ms. ROYBAL-ALLARD. Mr. Secretary, it is sometimes forgotten that ICE detention is, in fact, civil detention and not criminal detention, and therefore should not be used as a punishment or as a deterrent.

In fact, the D.C. District Court imposed a preliminary injunction in 2014 preventing the Department from using deterrence as a factor in the context of family detention.

I mention this because you indicated a few months ago that you were considering a policy of separating children and parents who are apprehended after crossing the border as a way of deterring future migration.

I believe you subsequently indicated that you will not institute such a policy, but I wanted to ask you more broadly about deterrence as a factor in detention.

Do you believe that deterrence is a permissible consideration when making custody decisions? And does ICE currently have any formal or informal policies that it be considered?

Secretary KELLY. Well, the courts have told me I can't do it, so that is where I am on this topic. The people that we are—put into detention are people who are—we either consider to be a flight risk, which many are, or a danger to society. So those are the two general categories.

Many, many people at—ICE takes into custody that are then not put into detention but given mon—you know, we put them in monitoring, sometimes we put ankle bracelets on them, those kinds of things.

So the ones that go into detention, again, are dangerous folks, men and women, or they are a flight risk, which, unfortunately, many of them are. As I think the ranking member knows, that there is an awful lot of people that kind of just disappear, you know, that come into the country illegally, that disappear into our society. We don't know where they are.

Most of them, as you say, as you pointed out, and I think Mrs. Lowey did as well, they stay under the radar, they don't commit crimes, and those are ultimately are not the people that we look for.

But for those two factors are why we need the beds and why detention is an option for us.

DETENTION: FACILITIES

Ms. ROYBAL-ALLARD. Most ICE detainees are housed in dedicated facilities, but a substantial number are confined in the same facilities as those charged with criminal acts. ICE detainees should not be treated like criminals or suspected criminals. So this underscores the need for strong civil confinement standards.

And I was alarmed to see that in your budget request, you intend to weaken ICE detention standards in order to attract more local jurisdictions as detention providers.

Is the impetus for weakening standards the need for more detention space to implement the President's executive order on immigration enforcement?

Secretary KELLY. First of all, the standard—as I have learned, and as kind of a side comment, I was asked by Jeh Johnson long before I ever knew I was going to be sitting in this seat, to participate in a study of ICE facilities nationwide. And I did that and was a member of that study. I was in all the discussions, went on trips with him, but I had to drop off, because when I was—as soon as I was named to this job, I dropped off of that.

But the point is, I know a fair amount about the conditions and not only the concerns, not only what the private and law enforcement people say about detention facilities that ICE runs, but also what the agenda groups, what advocacy groups talk about, so I get a sense of both sides of that. That is very helpful for me to understand the issue.

But the point is, what I have learned is the ICE detention standards are well beyond the standards that even the Federal Bureau of Prisons has in terms of prisoner or detainee in this case, housing and care.

As we seek to enter into, if you will, rental agreements with local law enforcement or counties to have access to their beds, for generally, short periods of time, in order to do that, we have—we are looking at lowering our standards so that we can enter into agreements.

But still, the agreements, the detention, conditions of detention will be much higher than what is accepted—what is acceptable in either the Federal system or the State system.

So, yes, lowering it so we can have some access, but it is not lowering it to the point—by no means lowering it to the point where there is mistreatment or conditions that would—would not be appropriate from a humanitarian point of view.

DETENTION: FACILITIES STANDARDS

Ms. ROYBAL-ALLARD. Okay. I guess the point is that, it seems to me that all detainees deserve the same level of protections for whatever amount of time that they spend in detention.

And so that is what brings my concern about having different standards in different facilities.

I would also like to point out that the statement accompanying the fiscal year 2017 omnibus included a directive that you should interpret as a caution against weakening detention standards. Specifically, it requires that you submit a report to the committee 30 days in advance justifying the rationale for ICE signing or renewing contracts that do not require adherence to the most recent detention standards.

In addition, it requires a report on the Department's plans to bring all detention facilities under the newest standards.

In anticipation of that reporting requirement and directive from Congress, does ICE still plan to pursue a lax set of standards for local and county jails? And what are the challenges and obstacles that you see in moving more facilities under the 2011 detention standards? And should we be relying less on local and county facilities if they are unable to commit to detention standards that are appropriate for ICE detainees?

That is a long list of questions. I am sorry.

Secretary KELLY. It is. No. Again, lowering the standards doesn't does not result in any way, shape, or form a detainees being in any way inhumanely treated, but it does give us access to some of the State and local jails.

Our preference is to put detainees into our ICE facilities. And generally speaking, the way they operate, they stay—ICE operates, they stay in those facilities for minimum periods of time.

Oftentimes, it is just until they go through the relatively short process until we decide what to do—they decide what to do with them.

So, again, I go back to it gives us some flexibility. The standards will not be anything approaching—anything approaching inhumane with no dignity, and we will obviously, report to the Congress. And it probably is worthwhile to offer right now a brief from ICE, maybe a member brief or maybe recommend a hearing so they can come talk about those things in detail.

Ms. ROYBAL-ALLARD. My time is up. I have some follow-up questions, but Mr. Chairman, thank you for the generosity on my time.

Mr. CARTER. And I need to inform the committee, it looks like your time remaining clocks are not working. At least mine is not. So we are keeping time over here.

Mr. RUPPERSBERGER. I thought that means we can go on forever.

Mr. CARTER. We try to generally inform you of your time.

Mr. Frelinghuysen.

CYBERSECURITY: CYBER ATTACKS

Mr. FRELINGHUYSEN. I am sitting between two Texans, probably a pretty good place to be.

The term resilient, I sort of mentioned earlier that the whole issue of, you know, equipment and training. You have an amazing number of organizations under your umbrella.

Have you done an evaluation as to how resilient they are when it comes to cyber attacks?

Do you have a system, which has graded your—those under your purview? We had, of course, as you are aware, the most massive cyber attack, I think, perhaps the world has ever seen just within recent weeks.

Have you done—do you have a constant review of the many systems under your purview?

Secretary KELLY. Yes, sir. The answer to that, the very short answer is, yes.

And since you bring it up, the reason—I mean, this was a joint effort, but on the morning that the ransom attack started, I would say DHS was among the very first people, which is our job, to recognize that it started. And as it grew, and it grew fast, DHS, with other aspects of the U.S. Government, but DHS has the lead in terms of defending our dot-gov, our government with the exception of and Intel nets, our dot-gov nets and have tremendous partnerships with all of U.S. industry, whether they are financial institution—everybody that wants to play, that want—and a lot of them do play.

So when that Ransomware attack started, I would have to tell you, went to the sit room, the situation room, we had some immediate meetings on it. I was proud that everyone, whether it was NSA (National Security Agency), FBI (Federal Bureau of Investigation), everybody, was deferring at all times to my command center that deals 24/7 watching the nets within cyber defenses. And I was incredibly proud to have them all deferring to DHS.

So as we saw that runaway event that ultimately infected huge numbers of systems and computers in Europe and the Middle East, I mean, everywhere, Asia, hundreds and hundreds and hundreds of thousands of contaminated systems and individual computers.

And because of the interagency efforts of the United States, but to a large degree because of what DHS does in its cybersecurity mission, I can't tell you, but let me just say that the number of systems infected in our country were miniscule.

We defended the country from the biggest cyber onslaught in history, and we were successful in keeping it out of our country with the exception of a tiny, tiny, tiny number of computers.

Mr. FRELINGHUYSEN. Thank you.

Thank you, Mr. Chairman.

Mr. CARTER. Thank you, Mr. Frelinghuysen.

Before I go forward, I have just been informed to expect multiple votes, at 4:15 p.m., which could take up to an hour, so we are going to have to limit everyone to one question as we go forward.

Mrs. Lowey.

FEMA GRANTS: PROGRAM CUTS

Mrs. LOWEY. Thank you, Mr. Chairman.

Mr. Secretary, I was disappointed by the significant proposed cuts for FEMA preparedness grant programs. The UASI program, which helps the most at-risk urban areas such as New York, prevent and prepare for terrorist attacks would be cut by 26 percent, and the State Homeland Security Grant Program will be slashed by more than 25 percent.

Overall, the fiscal year 2018 budget proposes a cut of 919 million dollars to FEMA grant programs that really help law enforcement prevent and respond to terrorism and other disasters.

To put that in perspective, you would cut vital funds to protect the top terror targets in the U.S. by 31 percent, which is equal to roughly half of what you are proposing to build a wall on the Mexican border that is not needed.

State and local jurisdictions just cannot effectively plan for, establish, and maintain their preparedness programs when support from their Federal partner is inconsistent and subject to major deviations.

Mr. Secretary, could you please share with us the impetus for proposing such drastic cuts to the grant programs? Is it based on any sort of analysis that our States, major urban areas and other jurisdictions are well prepared for terrorist threats without Federal assistance?

Secretary KELLY. I would offer to you that in the 120 days, give or take, that I have had this job, I have visited a number of our largest cities, New York, Chicago, Boston, McAllen, Texas, a number of places, met with the mayors, met with the police chiefs. I have been to a couple of very large police and sheriff, separate organizations that I have met here in D.C. a couple of months ago, met with them, talked to them a lot.

I met, interacted with the National Governors Association that was here in D.C., which was almost all of the—I think 48 of the governors. And the point is, the State and local men and women of law enforcement and the people that we work with, FEMA (Federal Emergency Management Agency) works with, are very, very highly capable.

You know, there was a time, I would offer, back before 9/11 that we didn't think too much about it, because terrorism had not really come to our country, and many of these grants and initiatives, of course, were put in place after that. As you might imagine, the men and women of law enforcement, locally and on the State level with Federal help have risen to the occasion. There is very, very capable FEMA type people that are in the States and indeed many cities have them.

I wouldn't say that these funds are not very helpful for those States and localities, but I would offer that it isn't as grim as you describe in terms of taking them away. What I mean is if you take away this money, which does—the budget does some of that, their efforts against terrorism and against other aspects of, you know, disasters, will immediately collapse.

So my offer would be that we were looking for money, and we evaluated a number of different places, obviously, and we took where we thought we could take from.

But, again, I am absolutely confident that the men and women out there in the hinder lands of the United States have risen to the occasion over the last 15 years since 9/11 and are very, very good at what they do.

Mrs. LOWEY. Well, thank you for giving me the opportunity to ask the question, Mr. Chairman.

But I am really surprised, Mr. Secretary, with great respect, at your response. There is no question, for example, in New York City these people are capable, and they are carrying out all their activities with distinction. But I will check with them. I haven't heard that they don't need that money, and that that money isn't essential.

And when—if New York is a target, and it is beyond my comprehension that you could think it is okay to make those deep cuts. Thank you.

Secretary KELLY. I didn't say they don't need the money or they—I just said that we have found places where we think that the funds are no longer needed in the way that they once were.

Mrs. LOWEY. Okay. I will be happy to get back to you. But I would like that response in writing, and I will check with the people who are responsible for these programs in New York and maybe have them document how essential these funds are.

[The information follows:]

Representative Lowey: Thank you, Mr. Chairman.

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To put that in perspective, you would cut vital funds to protect the top terror targets in the U.S. by 31 percent which is equal to roughly half of what you are proposing to build a wall on the Mexican border that is not needed. State and local jurisdictions just cannot effectively plan for, establish and maintain their preparedness programs when support from their federal partner is inconsistent and subject to major deviations.

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There was a time I would offer back before 9/11 that we didn't think too much about it because terrorism had not really come to our country. And many of these grants and initiatives of course were put in place immediately after that. But as you might imagine, the men and women of law enforcement locally and on the state level with federal help have risen to the occasion. There's very, very, very capable FEMA-type people that are in the states and indeed many cities have them.

I wouldn't say that these funds are not very helpful for those states and localities, but I would offer that it isn't as grim as you described in terms of taking them away. What I mean is if we take away this money which the budget does some of that, their efforts against terrorism and against other aspects of disasters won't immediately collapse.

So my offer would be that we were looking for money and we evaluated a number of different places obviously and we took where we thought we could take from. But, again, I'm absolutely

confident that the men and women out there in the hinterlands of the United States have risen to the occasion over the last 15 years since 9/11 and are very, very good at what they do.

Representative Lowey: Thank you for giving me the opportunity to ask the question, Mr. Chairman.

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Secretary Kelly: I didn't say they don't need the money. I just said that we've found places where we think that the funds no longer needed in the way that they once were.

Representative Lowey: OK. I will be happy to get back to you, but I'd like that response in writing. And I will check with the people who are responsible for these programs in New York and maybe have them document how essential these funds are. Thank you very much.

RESPONSE: Proposed reductions remain consistent with the President's Budget priorities to stand prepared for emergency response and disaster recovery, eliminating funding for programs to ensure the Federal Government is not supplanting other stakeholders' responsibilities. Preparedness is a shared responsibility between Federal, State, and local governments.

Since 2002, the Federal Government allocated more than \$45 billion in grants to support State and local preparedness, greatly expanding preparedness capabilities. The Federal Government should now focus on ensuring that sufficient funding is provided to address any remaining capability gaps. Beyond the \$1.9 billion that the Department is requesting for grants to support homeland security officials, emergency managers, and first responders, FEMA and the Department continue to support responders through other activities including, but not limited to technical assistance, training, and exercises.

Mrs. LOWEY. Thank you very much.
 Thank you, Mr. Chairman.
 Mr. CARTER. Thank you, Mrs. Lowey.
 Mr. Culberson.

OPERATION STREAMLINE

Mr. CULBERSON. Thank you, Mr. Chairman.

Mr. Secretary, I want to thank you for your service to our country and the Marine Corps and for your prudence, for the President's prudence in being careful in spending our constituents' very scarce, hard-earned and very precious tax dollars. And in particular, I want to thank you and the President for focusing on restoring the rule of law, which is one thing that unites us as Americans.

We understand, and this country, really, one of the first in the world to understand that our liberty lies in law enforcement. That is a fundamental principle of who we are as Americans, and we really appreciate you focusing on that.

And I also want to say that Congressman Duncan Hunter, Sr., spearheaded the effort to build a wall in the southern California border, which has been working very successfully, and Israelis know how effective a wall could be.

It makes sense in large parts of the border, the Pecos river country out in West Texas may not be as necessary out there, but a wall make good sense. But above all, we appreciate your focus on law enforcement.

And existing law is very clear, has been on the books since 1950s, that an individual crossing the southern border is subject to up to 6 months imprisonment to enter the country illegally.

On the second offense, they are subject to imprisonment for up to 2 years. And I wanted to in particular bring your attention to Judge Alia Moses' very successful effort in the Del Rio sector. My good friend, Henry Cuellar and I are well acquainted with her.

Judge Moses and the Border Patrol in the Del Rio sector with the support of the Department of Justice, they use their good hearts and their commonsense in a compassionate way to ensure that existing law is enforced uniformly and fairly.

And as a result before you came into—President Trump came into office and the promise of enforcement of the law which resulted in such a precipitous decline in illegal crossings, Judge Moses as I recall, Henry, would just simply enforcing existing law, in the Del Rio sector, and they saw the lowest level of illegal crossings since Border Patrol began keeping records, as I recall, Henry.

And you and I have worked together closely to support Judge Moses and her efforts. I want to bring her to your attention, Mr. Secretary.

The program that she put in place is called Operation Streamline, and I would encourage you to try to expand that up and down the border.

As chairman of the Commerce, Justice, Science, and Appropriation Subcommittee, I will do my part to help ensure the Department of Justice resources are focused there with additional prosecutors, personnel, U.S. marshals to make sure that folks are processed and handled in a way that protects everyone's due process

rights and to ensure that people are handled expeditiously by immigration judges.

Because you are exactly right, we need to make sure those immigration judges are there on the border to handle people who come across and receive that notice to appear, which is, I believe, Henry, they call those *permisso*.

Mr. CUELLAR. *Permisso*.

Mr. CULBERSON. In previous administrations, they got the notice to appear, they call it *permisso*. And they were gone, disappeared, never to show up again.

So simply by enforcing the law, ensuring that people to show up in front of those immigration judges, or appear before a judge like Judge Moses up and down the border from Brownsville to San Diego, you can have a dramatic effect on protecting our southern border, ensuring the free flow of legal goods and people entering the country illegally.

Because we all know we need that good relationship with Mexico to have people cross back and forth legally and freely with goods and commerce and for workers.

But you have got to start—it begins with law enforcement.

So I wanted to ask you, Mr. Secretary, about Operation Streamline, if you are familiar with it. And could you speak about what currently is happening under the Trump administration in your leadership if an individual is apprehended on the southern border, and when and how does DHS decide to give them expedited removal proceedings before a judge like Judge Moses?

Secretary KELLY. I am not—and I will get smart on Operation Streamline, and it sounds like I ought to go down to Del Rio and visit with the Judge—

Mr. CULBERSON. She is doing a great job.

Secretary KELLY. One of the things, again, I have learned in this job, this immigration thing is the most complicated—I mean, if we try to make it any more complex and hard to understand, we couldn't have done it any better.

But all sorts of categories. Right?

Mr. CULBERSON. Right.

Secretary KELLY. They will catch someone, say, a Mexican that comes across on our side of the border wrong, essentially—

Mr. CULBERSON. She will give them a week, You know. She is not like a—

Secretary KELLY. But pretty quick they can say, I don't want to enter the system, and they can go right back home.

One of the things we found—and, again, an anecdote, but in talking to a CBP officer, I think the second week I was on the job, went down to McAllen, Texas, and just walked the dirt and the train and the river's edge with the real people that understand the illegal immigration drug movement and all of that, the CBP officers, great men and women each.

And they said, you know, sir, we will find—we will stop traffickers, Mexican traffickers, on our side of the border. I have been here 14 years. I know the names of many of them, because we will pick them up. They will be with illegal aliens, the traffickers, coyotes, as they are called, and they will say—they will opt to just

simply go back to Mexico. And then whether it is 1 month later or 1 year later, they will capture them again, and they will go back.

So one of the things they started doing is holding them and starting the process of prosecuting them for human trafficking.

The cost, then—and this is important in terms of reduction in the numbers that are crossing the border, the cost of going from, say, El Salvador to the United States, the fare, if you will, to travel on the network and get into the United States grew from an astronomical figure to the kind of people, simple people, peasants, mostly, from the Central American republic, good people, \$4,000, life savings, an incredible amount of money to them.

Mr. CULBERSON. Yes, it is hard.

Secretary KELLY. Now it is \$12,000 or \$15,000. So they can't afford it. So that is one of the factors in—that simple thing starting to arrest and prosecute them.

Mr. CULBERSON. Absolutely.

I want to be sure to mention that also I learned from Judge Moses that she cannot seize the assets of human smugglers. That is the law—a change in law we need to make.

Secretary KELLY. Right.

Mr. CULBERSON. Thank you.

Secretary KELLY. Yes, sir.

Mr. CARTER. Mr. Cuellar.

BORDER SECURITY: WALL ALONG SOUTHERN BORDER

Mr. CUELLAR. Mr. Chairman, thank you so much for this opportunity.

Mr. Secretary, I want to say thank you for what you do, what your men and women do. I appreciate it. I am from Laredo, Texas. I represent the border. I live there. My family is there. I breathe the air. I drink the water. So I don't just go in and visit for a few hours and take off and think that I know the border better than some of the people that have lived there all my life.

And I have to say, during my time here, I have seen Secretaries come and go. We will probably see you come and go with all respect. My only advice is: Understand the system that we are in, the executive branch—and sometimes some of us might disagree with you. I don't think it is correct for you to tell Members of Congress to shut up. If we disagree—some us might agree with you more than others, but I am just saying, otherwise, it is going to be a long term for you if you do that. I think you did that within 90 days after you got sworn in.

I want to focus on the wall. I don't support the wall for several reasons. One, private property rights: In Texas, we respect private property rights. It is dear to us, number one.

And, number two, the cost: A regular fence will be \$6.5 million per mile compared to \$1 million of technology. I think Mr. Taylor, who has been in the military, there is a lot of technology out there that works very well for the military that should work very well for us down there. That is number two.

Number three, environmental or the International Water Commission: Sir, there was a treaty between the U.S. and Mexico as to where you can put barriers, and that is an issue that we have to look at.

Number four, overstays: 40 percent of the people that we have here are overstays. So you can put the most beautiful wall that you want to, but they are either going to fly in, drive through a bridge, or come through a boat. The report that came out, that Homeland released 2 days ago, May 22, talks about overstays. Over 40 percent of the 11, 12 million are overstays. In fiscal year, there were 630,000 visitors that failed to leave the U.S., far exceeding the 415,000 people that came in across the border. So more overstays than people coming across or that were intercepted across the U.S.-Mexico border.

What was interesting is, according to Homeland, there were more Canadians that overstayed than Mexicans. I think your report said 120,000 Canadians with expired visas are still believed to be living in the U.S., compared to 47,000 Mexicans on that. And that is—probably those stats are not correct or accurate because I think you only looked at plane and boat and didn't look at land crossings also. And I think the visa stay should be one.

The other thing, finally, number five, why I don't support the wall is natural barriers. I think President Trump on April acknowledged that there are natural barriers to the border. If I can show you—I support a wall; this is the most beautiful that wall I support, Lucille, is Big Bend. Have you seen the Big Bend? I mean, those are walls. If you want to see walls, those are walls that we have. I don't think you can come in and put another wall on top of these cliffs that we have, number one. I think you would agree with me. The second thing is if you go down to my lower part of the river, the Rio Grande, which is a natural barrier, doesn't go straight. As you know, it snakes up and down. And this is my district down there. And the U.S. side I believe is in the top part. Look at the river the way it snakes. So, either you follow it—and I have taken a small low plane with Michael McCaul from Laredo all the way to Brownsville, going just a few miles an hour, flying over, just snaking over. And it is going to be very hard to put a fence, unless you take private property rights that we have.

So all I am asking you is that you work with the local Border Patrol, work with us, and just say that we can't just use, you know, the fence. We know what happened to the Berlin Wall. We know what happened to the Chinese—to the Great Wall of China. We know what happened to that. And I am just saying that we just have to be smart on how we secure the border. We spend \$18 billion a year on border security on the 1-yard line called the U.S. border. But you remember the last time you and I were together with Chairman Carter and Kay. We were on the southern border of Mexico, with \$80 million that we put there to help Mexico secure the southern border, \$80 million compared to \$18 billion. Did you know that they actually stopped more people coming across than the whole Border Patrol did?

So all I am saying, Mr. Secretary, is we want to work with you. I know it is a very difficult job that you have. Some of us have been living this for a long time. We want to see legitimate trade, tourism, not impede that. And we just want to work with you. So just to conclude—my time is up—some of us want to work with you, and please take advantage of our expertise.

Secretary KELLY. I probably am on dangerous ground here. If I could, Mr. Chairman, could I just make a comment?

Mr. CARTER. Yes.

Mr. CUELLAR. I am turning on my mic in case I have to respond.

Secretary KELLY. Two comments really. Since I have been in this job, everything that the Congressman said about the border and where to build it and where not to build it, there might be places where we do it, there might be other places we don't: I have been saying that since day 1.

Mr. CUELLAR. Yes, you have.

Secretary KELLY. What you said about the southern border, when I was on Active Duty, I helped the Mexicans construct their southern border strategy, helped them implement it under the radar quietly, and it has worked very effectively. They stopped 160,000 illegal migrants last year and returned them to their countries of origin humanely, great partners.

We stopped more than that last year. But the point is their southern strategy works.

You have also probably heard me say that our—the 1-yard-line stand day in and day out doesn't work, that the protection of the southern border starts 1,500 miles south. I have said that repeatedly. So everything you said about what we should be doing and thinking about, I have been saying and thinking about for 120 days.

CRITICISM OF DHS WORKFORCE

My “shut up” comment, the one thing, sir, with all due respect that is different between certainly my experience in the U.S. military and my experience now is that the men and women in the U.S. military, you can throw rocks or criticize—and God knows we deserve some criticism—senior military officers, you can criticize the policy of what they are trying to execute in the world, but the one thing that we never hear from certainly this institution is criticism of the rank-and-file men and women that put their lives on the line in the U.S. military every day. You never hear that.

In this job, all I heard day in and day out, “Nazis,” “storm troop tactics,” prejudice about the men and women, the foot soldiers, if you will, that stand on our border or inside our country and protect it. And I would just ask that criticize me, criticize the Trump policies, but please recognize that my men and women are doing the same kind of thing day in and day out as our military men and women are and, in a sense, give them a break. And that is what the “shut up” comment was about.

Mr. CUELLAR. Right. Well, Mr. Chairman, I just need to respond quickly. Let me just say this: Nobody has attacked the men and women. I mean, I think they are attacking the policy.

I have been attacked also. I have been called—because you and I agree on a lot of things, whether you like—

Mr. CARTER. I am sorry, Mr. Cuellar.

Mr. CUELLAR. I appreciate it.

Mr. CARTER. The votes have started. I am going to try to keep this hearing going. I will stay here. I hope you will have somebody here to stay with me, and the rest of you go vote. Come back as soon as you can.

Mr. CUELLAR. Four votes, motion to recommit.

Mr. CUELLAR. We can come back, Mr. Chairman.

Mr. RUPPERSBERGER. That is not going to work. You have four votes and a motion to recommit.

Mr. CARTER. Mr. Fleischmann, we are going to do one more round of questions and maybe get back to Mr. Price, maybe get to you.

Mr. RUPPERSBERGER. I doubt you will get to me.

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Mr. CARTER. They are now telling me it will be an hour's worth of votes.

Okay. Mr. Fleischmann.

BORDER SECURITY: LEGAL MOVEMENT OF PEOPLE AND COMMERCE

Mr. FLEISCHMANN. Thank you, Mr. Chairman.

Mr. Secretary, let me first start by saying thank you for your tremendous service to this country in the United States Marine Corps, for stepping up now and being Secretary at this most difficult time in our Nation's history. You are a great American, and I am infinitely grateful for the job that you are doing, sir.

I will limit my time to one question. Like the rest of the Federal Government, CPB faces competing funding demands in a tight budget environment. Much of Congress and the administration's focus has rightly been on physical infrastructure, staffing needs, and emerging technologies like aerial drones.

While I agree these are vital, DHS should not ignore proven effective technologies that facilitate the safe and efficient flow of legitimate trade and travel across the border. What is DHS' plan, sir, to incorporate effective port of entry technologies into their border security plan?

Secretary KELLY. One of the things Mr. Trump said to me early on when we discussed what his thoughts were relative to the Southwest border, he said: You know, Kelly, the one thing we can't stop—in fact, if anything, if you can speed it up—is the normal movement of legal people in vehicles and whatnot, commercial movement, north and south of the border.

On the northern border, the Canadians will say we need to thin the border, which is we don't have the same issues on the northern border, but the point is to take every opportunity to try to thin that southern border.

Longer term plans are to build more capacity at the ports of entry. I had my science and technology people, who are phenomenal, I asked them just today—we have good technology down there now for vehicles to pass through so that we can see inside them, see if there are people or drugs—what is the next generation? And then let's skip that one and get to the next one. So I believe we can speed things up. It is fast now: Millions of people back and forth every day with not so much as a slowdown most of the time in their vehicles.

There are certain indicators we look for that would then put it into secondary. So we look for drugs or people for some of that. It is an amazing amount of movement north and south, legal movement, through that border. So we are redoubling our efforts, sir, to look for ways to get even better at that but, at the same time, stop

more of the illicit movement of not only drugs, of which it is massive, but also working with the Mexicans—and we work very closely with the them; I can't emphasize enough—about how we can move items faster through the border.

Mr. FLEISCHMANN. Thank you, sir.

And, again, let me reiterate my full support, and I look forward to working with you, sir.

Mr. CARTER. Thank you, Mr. Fleischmann.

Mr. RUPPERSBERGER.

Mr. RUPPERSBERGER. I won't be able to talk. I just want to say how I respect your career. I was on Defense Appropriations and ranking on Intel, and I have watched you. And I will tell you, with you and General Mattis being appointed in the beginning of this administration, I have been able to sleep better at night. Now that doesn't mean I am always going to agree with you. And I would like to meet with you later on the issue of cybersecurity, port security, a lot of these different issues that we need to deal with. Thank you.

Secretary KELLY. Yes, sir.

Mr. CARTER. Mr. Price.

CENTRAL AMERICAN RELATIONSHIPS

Mr. PRICE. Thank you, Mr. Chairman.

Mr. Secretary, welcome. I am glad to see you. And I want to just say that I remember your previous career, our interaction, in particular, in 2014, in Guatemala, an enlightening conversation about what the United States' approach in particular to the triangle countries should be—El Salvador, Guatemala, and Honduras. The source of so many children, unaccompanied children, and mothers and so on. And you made it very, very clear that this was not mainly a challenge for border security. And you wrote a very well-regarded piece in the *Military Times* that had a huge influence I think on this country's policies toward these countries. And you said just recently, you can't have these goal-line stands on the 1-foot line at the official points of entry. You have got to approach this problem in the countries of origin. So you have been a major influence on our policy in that regard.

It does however bring us to the wall, to the wall.

Now you wouldn't know it from President Trump's rhetoric, but there were over 700 miles of fencing already down there. I know about that because I was chairman of this subcommittee for many of the years when that fence was constructed. And we required segment-by-segment analysis. We asked for environmental impact studies. We asked for comparisons of fencing versus other kinds of ways of securing the border. We had a good deal of oversight over that process, and the fence got built. We also doubled the number of Customs and Border Patrol agents.

Now President Trump has almost a fixation it seems on this wall. And I wonder: Is that really compatible with the idea of a layered defense that you earlier expressed? Particularly, I wonder what kind of reaction you have to the foreign ops bill. These countries, these very countries we are talking about: El Salvador, support, the economic support and development fund, cut by a third, \$65 million down to 45; Guatemala cut by a third, \$112 million

down to \$77 million; Honduras cut by a third, \$93 million down to \$67 million. Where is that coming from? What does that have to do with the kind of advocacy that you and others were very powerful in making about the need to enable those countries to control their gangs, to control their own security, but also to help their own people with all kinds of needs that might enable people to stay in those countries?

And then, finally, if we do move forward with this wall, I expect that we will have more analysis than we have right now. And I want you to confirm that. You are talking about three segments. There is not much of a justification as to why that is the best alternative, how it compares to other alternatives, what kind of changes might be required, such as the levee fences we required, the changes in location we required. We need this kind of congressional interaction if we are going to move forward with this project.

Secretary KELLY. Sir, on the issue of—I will start with the Central American countries. Five years ago, when I began my tour down in Miami, the three countries the northern tier countries, the Central American republics, were in fact the most dangerous countries on the planet. They had murder rates that were astronomical. All of those countries, because of the help we provided—and the help is some assistance from the United States' Treasury, so from the United States taxpayer, but a lot of hands-on work with the U.S. military, United States Southern Command working with them, helping them get better. There is a particularly useful program, INL, within the Department of State working with the police. And still horrific murder rates, but cut by a third. Where talking about they were where Colombia was at the beginning of Plan Colombia and working toward a miracle that is Colombia today.

So the point is the money has been very, very helpful. The contact has been very, very helpful. One of the things we are doing is not only messaging through the religious leaders, the political leaders in Central America, to convince their citizens not to make that horribly dangerous journey up. We—the energy behind it has been DHS—have organized a major conference in Miami, cosponsored with Mexico. We are bringing in Canada, Costa Rica, Panama, Spain, the EU, most importantly in the region, Colombia. It will be the President—Vice President, rather, will spend the first day down, the prosperity day. The Departments of Treasury and Commerce will come down. IEDB will come in. The point is to accelerate the private investment into those countries, and they are ready for that. And then the second day will be more of a security day that Homeland Security will run.

So we are, in fact, still—I am still focused on that country and, of course, that region of the world. And of course, most of their problems revolve around our drug use in the United States, the vast majority of the problems, and I make that point all of the time.

BORDER SECURITY: WALL DIVIDE THE SOUTHERN BORDER

On the wall, where there is physical barrier, it works. I acknowledge the fact I don't live on the border. But I will also tell you that, when I visit the border, I talk to—every trip down there—I talk to the CBP people, the local law enforcement, the local business com-

munity, and the local mayors, El Paso and other places. So I get down there, and I talk to them. The number one concern the mayors and whatnot have is the free flow of commerce. I have already addressed that.

The police like what we are doing and the partnership they have with CBP, and CBP has a great partnership with their Mexican counterparts on the other side.

Where we have physical barrier, it works. Where there are places that, whether it is environmental reasons why, watershed reasons, whatever, there are places where it is unlikely we will ever need a wall. As far as the kind of wall—and you mentioned the levee system or the levee wall down the Texas. That is a place where a concrete structure would make sense. As you know, there is already a concrete wall down there that is reinforcing the levee system. That is good for the south Texas. There are other places, frankly, and again, I know I don't live on the border, but I do talk to people that live on the border and work this issue of the border, both local law enforcement and my people, CBP people. And they have told me what they want. They want a see-through wall, that they can see on the other side what is going on. And just as importantly to them, and I hadn't ever thought of this, so the Mexicans can see them on the other side to understand that the wall, the barrier, is also backed up with the great men and women of CBP.

So what we are doing right now is looking specifically at where we think—where CBP and local law enforcement thinks they need additional physical barrier. And then we are running a competition right now that I am not involved in, because of contractual issues and everything else, procurement issues, running a competition of what physical barrier is the best to construct along those places, along the border where it makes sense to put physical barrier. It may be concrete wall in one place. It may be a bollard type fencing system in another place. And, frankly, it may be no physical barrier at all in other places. So we will certainly keep the Congress informed, sir.

Mr. CARTER. Mr. Harris.

Mr. HARRIS. Absolutely, Mr. Chairman.

Mr. Secretary, thank you. Obviously, your reputation is impeccable. As the chairman said, that is why you are the longest serving Secretary.

I agree with my colleague from Maryland. I look forward to working with you.

First of all, look, I agree with the ranking member on a lot of things. But I disagree with her about not taking the border wall seriously. You are on the front lines of our war on drugs right now. The greatest killer of young Americans right now is heroin, and 90 percent of it crosses our southern border. And if you, as in your statement, say a border wall system will deny access to drug- and alien-smuggling organizations where you plan to build it in this fiscal year's allocations, I support it, and I take it seriously.

IMMIGRATION ENFORCEMENT: SANCTUARY CITIES

With regard to, just briefly, sanctuary cities, I have got all kinds of people playing politics with this, local officials who think that they—pretend that they can write immigration law. They can't.

But they should help the Federal agencies enforce it. I am glad that a rewrite of 8 U.S.C. 1373 in the President's proposal.

IMMIGRATION ENFORCEMENT: H-2B VISAS

Finally, just one thing about that that is important to my district: The omnibus gave you the authority, after consultation with the Secretary of Labor, to adjust the H-2B caps and to adjust them where basically to where we would bring it to a level that would allow the returning workers to not count on under the caps. I urge you to do it. The businesses in my district are desperate. The summer season is coming up. We need it for various industries in my district. I urge you to expedite that if you can.

And I yield back.

JONES ACT

Mr. PALAZZO [presiding]. Mr. Harris yields back.

I am sitting in for the chairman for a minute. I am going to make my question real quick, and then we are hopefully going to get to Congressman Taylor.

Mr. Secretary, I believe and I hope you agree that the Jones Act protects our U.S. shipbuilding capability from being hollowed out by foreign subsidies and cheap Labor and keeps the U.S. maritime industry strong. I want to ask you about your Department's compliance with the statutory prohibition contained in the Jones Act on foreign ships, crewed by foreign workers, flying a foreign flag, from transporting merchandise between points in the U.S.

I was extremely disappointed to see that CBP recently withdrew a proposal to revoke and modify a number of the letter rulings concerning the transportation of merchandise on the Outer Continental Shelf that CBP itself has publicly admitted are inconsistent with the statute. In essence, CBP was, through this effort of revoking the old letter ruling, attempting to get back into compliance with the law, but now has stalled out.

I know you believe in the rule of law. So can you tell us when CBP will revoke these letter rulings and actually start enforcing the law?

Secretary KELLY. Congressman, one of the—very early on in my time in Homeland Security, this issue was briefed to me, and of course, I didn't have and still do not have a Commissioner of CBP, but the number two career at the time came in and gave me a brief rundown on this. And there were three options: kind of yes, no, and study it.

And I am—generally speaking, when someone comes in and says we need to study this a little bit more, that in my mind is a kick-the-can-down-the-road kind of tactic. And I addressed that with the team. And I said: What is best right now for America, to make these decisions relative to foreign flag, U.S. flag?

And they said: The best thing right now is for us to—it is so complicated and has wide-ranging impacts, the best thing to do is to do a comprehensive study.

And that is the direction we are in.

Mr. PALAZZO. Well, I will be submitting more questions for the record, but I believe the law is clear on this, and if you have to choose between a foreign flag or an American flag, you have to

choose America first. And with that—I am done asking my questions, and I will open it up to Congressman Taylor.

OFF-THE-SHELF TECHNOLOGY: ACQUISITION

Mr. TAYLOR. Thank you, Mr. Chairman.

And thank you, Mr. Secretary, for being here. I appreciate your service before, and now, of course, I know you have a very difficult job.

I will just make a couple of statements real quick, and then I will submit some questions so we can get over there and vote.

Number one, I want foot stomp on what Dr. Harris said about the H-2B visas, same thing in our area and many other States as well too. I have actually had people ask me to ask this question or at least make a statement on it that there are labor shortages and people are pretty desperate with these seasonal operators along the coastal States and then probably some within as well. That is one thing.

The other thing: I am not sure if you are aware or not, but the Customs and Border Patrol uniforms and others in the Department of Homeland Security are actually manufactured in El Salvador and Honduras, which is incredible to me, obviously, in facilities with limited security potentially. But we want to see those productions here for U.S. workers and that textile industry, obviously, to benefit us and then for national security as well.

One other thing, one quick question for you: Commercial off-the-shelf technology, do you face acquisition hurdles in being able to get commercial off-the-shelf technology that best benefits you?

Secretary KELLY. I haven't to date. I mean, certainly, my direction to the Department right now is, before we embark on any science projects to invent some new technology, let's look on the shelf first. But so long as we need it, we have the money, and the acquisition process is adhered to, to the best of my knowledge, we are not having any problem acquiring things off the shelf.

CYBER SECURITY: INFORMATION SHARING

Mr. TAYLOR. One other quick thing now that I have you here, Mr. Secretary: On the cyber, I know that your command center—and excellent work, obviously, protecting our homeland. Quick question on that: Are you sharing between agencies and outside of DHS's world to establish patterns for potential attribution to where those attacks are coming from and then best practices? Is that something that is actively happening? Are we sharing between agencies?

Secretary KELLY. It is virtually automatic.

Mr. TAYLOR. It is automatic.

Mr. CARTER [presiding]. I am going to cut it off right there. We have got to go.

Mr. TAYLOR. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Mr. CARTER. We stretched it way beyond the limit.

Secretary KELLY. I am kind of glad you have to go vote.

Mr. CARTER. They are calling for us.

Mr. Secretary, thank you for being there. Thank you for doing this job. Thank you for being here with us. Sorry we had to rush, but we have got to go.

We are adjourned.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Carter

The Honorable John F. Kelly, Secretary
Department of Homeland Security
 Committee on Appropriations
 Subcommittee on Homeland Security
The DHS FY 18 Budget Request
 May 24, 2017

Strategic Priorities

Question: Mr. Secretary, you're one of the longest serving cabinet members of this Administration, having been confirmed in the job on January 20th.

- Since you've been at DHS, have you identified some strategic imperatives?
- What would you like to change?

Answer: Our core missions are our highest priority—securing and managing our borders, preventing terrorism and enhancing security, enhancing and administering our immigration laws, safeguarding and securing cyberspace, and strengthening national preparedness and resilience. We will also prioritize achieving the requirements of the President's executive orders that affect the Department.

We will allocate resources to combat emerging and persistent threats to homeland security, and to raise the baseline to protect the homeland: this includes enhancing aviation security, and enhancing immigration/traveler screening and vetting. We will also continue to strengthen cross-Departmental initiatives—from strengthening the leadership and management of the Department and ensuring continued progress towards facilitating unity of effort.

I would like to change the narrative that surrounds the tremendous men and women of the Department of Homeland Security and the work they do in protecting our nation. When I left the Marines, I never thought I would find as committed, professional, and patriotic a group of individuals. I was wrong. The men and women of DHS accomplish great things everyday defending our nation and I am

determined that the rest of our country recognize their efforts and service to the nation.

Question: Your predecessor, Jeh Johnson, supported aggressive process improvement in several key areas – acquisition reform, joint program requirements development, and budget justification. I supported these initiatives – as did Mrs. Roybal Allard – and would like to see them continue.

- Have you had a chance to review the progress of those efforts and do you have some ideas about how they can be improved?
- Should the department operate in a more joint fashion? If yes, how so? If no, why not?

Answer: DHS has made significant progress in strengthening and improving its requirements, budgeting, and acquisition processes, as follows:

- The Department established a Joint Requirements Council to oversee and coordinate the DHS-wide requirements process to develop and validate mission needs and operational requirements.
- The Acting Under Secretary for Management recently approved an update of the Department's acquisition policies and processes to include the touchpoints with the requirements and budgeting processes, and to better define the roles of the Acquisition Review Board (ARB) members. Both the requirements and budgeting communities are represented on the ARB that supports the Chief Acquisition Officer in making acquisition decisions.
- The DHS Chief Financial Officer is addressing program affordability issues by conducting annual cost estimate updates, completing independent cost estimates, and requiring certification of full program funding at each acquisition decision event.
- DHS has also transitioned to a Common Appropriations Structure that allows for more effective alignment of budget resources to meet DHS goals and objectives.

These efforts have been highly successful and DHS will continue to build upon and strengthen these critical processes.

DHS should operate and support operations in a joint, multi-component fashion in those areas where it makes sense. DHS has already established three Joint Task Forces to leverage DHS multi-component capabilities in countering threats and

challenges along the U.S. Southern Border and in the approaches. Congress has asked that we examine the need to establish a fourth Joint Task Force (JTF) to harmonize our effort along the northern border, and we are in the process of examining the need for a fourth JTF. To support these multi-component operational efforts, DHS has taken some significant steps: established a process to develop and validate joint operational requirements (by the DHS Joint Requirements Council); I annually direct the development of DHS joint operational plans (in the DHS Operations Planning Guidance); and we now assess the annual Component budget submissions together (in the DHS Program and Budget Review) using a DHS mission lens rather than in a single Component stove-piped fashion. These efforts have shown promise since they were put into place by Secretary Johnson in early 2014 as part of the DHS Unity of Effort Initiative, and I have directed Deputy Secretary Duke to continue to focus on these and additional initiatives with our Component and Office leaders.

ICE Detention Beds

Background: The FY18 budget proposes to increase the number of detention beds from 39,324 to 51,379 – an increase of 12,055 beds and \$1.04 billion in funding for Custody Operations. The request funds 48,879 adult detention beds and 2,500 family beds, which is an increase of 12,055 adult beds from FY17 levels. The average daily population for adult beds has slowly but steadily decreasing since the end of January 2017 and shows no sign of increasing. ICE contends that the growth of their force by 1000 agents and 600 support personnel will allow the agency to increase its Fugitive Operations and Criminal Alien Programs and execute more removals from the interior. Additionally, ICE plans to expand the 287(g) program to 16 new jurisdictions which will also lead to higher levels of interior apprehensions and detention.

Question: Mr. Secretary, the FY18 budget proposes \$4.9 billion for Enforcement and Removal Operations, including \$3.6 billion for 51,379 detention beds in Custody Operations, an increase of \$1 billion and 12,055 number of detention beds. The average daily population of detainees has been steadily dropping since the President signed the Executive Orders improving border security and strengthening enforcement of immigration laws.

- What methods and policies is DHS proposing to put into place to achieve such a dramatic uptick in detention capacity when the current trend for adult

detention has been slowly but steadily decreasing over the past several months?

- Please explain the assumptions used to develop the apprehension number and whether they are still valid today?
- It appears the mere publication of the Executive Orders and the messaging on the strengthening our immigration policy by you and other administration officials has been a very effective deterrent to the flow of illegal immigrants across our borders. What plans do you have to sustain this messaging; to communicate that our policy regarding the enforcement of all of our immigration laws has not and will not change?

Answer: In accordance with the President's Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*, U.S. Immigration and Customs Enforcement (ICE) will not exempt classes or categories of removable aliens from potential enforcement actions. Availability of detention beds ensures that enforcement operations are properly resourced to effectuate apprehensions and removal from the United States.

ICE has expanded its enforcement operations to focus on the identification, arrest, and removal of criminal aliens and gang members, as well as individuals who have violated our nation's immigration laws. This includes those who illegally re-entered the country after being removed and other aliens ordered removed by an immigration judge, and aliens who entered the country in lawful status but then overstayed their visas. Accordingly, as ICE enforcement operations continue to expand, ICE apprehension numbers are projected to increase, warranting a higher number of detention beds for future intake levels.

While migratory trends are historically difficult to predict, the availability of these detention beds ensures that the Department of Homeland Security (DHS) can respond to unanticipated surges in migration and detain arriving aliens throughout the removal process. Thus, in order to effectively carry out its law enforcement and national security mission, ICE leadership remains confident that 51,379 detention beds are necessary for FY 2018.

ICE is committed to continuing its targeted enforcement actions in accordance with existing immigration laws. The continued operational tempo, along with DHS-

wide messaging that emphasizes our nation's commitment to the enforcement of our immigration laws, work together to deter illegal migration.

Question: ICE suffers from chronic inability to accurately estimate the cost of detention beds, or to apply a consistent methodology to determine costs, which is a concern for the subcommittee. In addition, rate for overhead costs exceed what is considered acceptable by GAO. From my perspective, this is a leadership problem.

- Mr. Secretary, are you aware of these problems?
- What are you doing to force ICE to address them?

Answer: Yes, I am aware of ICE's challenges and have been regularly monitoring the agency's progress to address both its FY 2017 funding shortfall and its long-term funding needs for detention bed capacity.

Both I and my leadership team, to include the Deputy Secretary, the Acting Under Secretary for Management, and the Acting Chief Financial Officer, are regularly monitoring ICE's progress with respect to enforcement of our Nation's immigration laws effectively with well-planned use of available resources. ICE is currently evaluating its processes to improve the agency's ability to more accurately estimate detention bed costs. ICE senior leadership, including the Chief Financial Officer, the Executive Associate Director of Enforcement and Removal Operations, and the Director of Acquisition Management, are closely involved in these efforts. Activities underway include development of automated tools, reports, and dashboards to provide more detailed and transparent data on detention bed costs; evaluation of the current detention bed rate methodology to ensure it most appropriately calculates current costs and estimates future costs; and development of a methodology to evaluate proposals for new detention facilities that incorporates bed space capacity and demand analysis, regional cost analysis, and alignment with operational and strategic objectives.

With my support, ICE is also engaged in a realignment project to better formulate and project the total cost of ownership for detention capacity. ICE hopes to improve bed cost estimates through this project, while establishing a clear baseline of expectations for its detention vendors that will be used in future contract negotiations, detention capacity procurement, and budget

formulation/forecasting. The long-term goal of the project is a detention system that is more responsive to the Nation's border security and immigration enforcement needs, while providing clear insight for Congress into ICE's processes associated with detention capacity management.

Sanctuary Cities

Background: Jurisdictions that fail to cooperate with Federal immigration authorities, by practice or local statute, threaten the nation's security by allowing dangerous and violent criminal aliens back on the street. This practice places ICE and other law enforcement officers in personal jeopardy, requiring them to track down and apprehend these dangerous aliens in a non-secure environment. On January 25, 2017, President Trump signed Executive Order 13768, Enhancing Public Safety in the Interior of the United States that provides the Secretary with the authority to designate a jurisdiction as a sanctuary city. The EO further establishes as policy, that jurisdictions so designated are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary.

Question: Mr. Secretary, Executive Order 13768 states it is the policy of the executive branch to ensure, to the fullest extent of the law, that a State, or a political subdivision of a State, shall comply with the nation's immigration laws. The EO gives you the authority and the discretion to designate a jurisdiction as a sanctuary jurisdiction, making them ineligible to receive certain Federal grants.

- What actions are you and the Attorney General taking to enhance the framework for Federal – State partnerships to improve the enforcement of Federal immigration laws and ensure the removal of aliens who have no legal right to remain in the United States?
- Has the number of sanctuary jurisdictions increased or decreased since the issuance of this Executive Order?
- How many jurisdictions have you designated as a sanctuary?
- What DHS grants can and will be withheld from jurisdictions you designate as a sanctuary jurisdiction?

Answer: Since the implementation of Executive Order 13768, U.S. Immigration and Customs Enforcement (ICE) has significantly expanded its national footprint with its 287(g) Program. Compared to Fiscal Year 2016, which had 31 agreements, ICE currently has 287(g) agreements with 59 law enforcement agencies in 18 states to reflect a 90 percent increase.

Additionally, ICE has simplified and consolidated its immigration detainer/notification forms into a single form (Form I-247A). In addition to requesting a law enforcement agency (LEA) maintain custody for a period not to exceed 48 hours beyond the time the subject would otherwise have been released, the form I-247A requests that a LEA provide notice to ICE as early as practicable, before the subject is released from custody (at least 48 hours, if possible). This notification is intended to allow ICE time to respond and take custody of the alien where resources may not be immediately available. The form is issued after an immigration officer has determined probable cause exists that the subject is a removable alien. Further, as a matter of updated policy, all detainers issued by ICE must be accompanied by either: (1) a properly completed Form I-200 (Warrant for Arrest of Alien) signed by an authorized ICE immigration officer; or (2) a properly completed Form I-205 (Warrant of Removal/Deportation) signed by an authorized ICE immigration officer.

Implementation of section 9(a) of Executive Order 13768 is currently enjoined by an order issued by the United States District Court for the Northern District of California on April 25, 2017. Because the U.S. Department of Homeland Security (DHS) has not designated any jurisdictions as sanctuary jurisdictions for purposes of applying section 9(a), DHS is unaware whether the number of sanctuary jurisdictions has increased or decreased since issuance of the Executive Order. No jurisdictions have been designated as a sanctuary for purposes of applying section 9(a) of Executive Order 13768.

Section 9(a) of Executive Order No. 13768, *Enhancing Public Safety in the Interior of the United States* (Jan. 25, 2017) requires, to the extent consistent with law, that DHS “ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive federal grants, except as deemed necessary for law enforcement purposes.”

On April 25, 2017, the United States District Court for the Northern District of California enjoined DHS and DOJ from “enforcing Section 9(a) of the Executive Order against jurisdictions [DHS and DOJ] deem as sanctuary jurisdictions.”

Prior to the injunction, the Department planned to implement the requirements of the Executive Order by conditioning grants of the following programs with a requirement to comply with § 1373:

- Port Security Grant Program (FEMA);
- State Homeland Security Grant Program (FEMA);
- Urban Area Security Initiative (FEMA);
- Operation Stonegarden (FEMA);
- Emergency Management Performance Grant Program (FEMA);
- Transit Security Grant Program (FEMA);
- Countering Violent Extremism Grant Program (OCP/FEMA);
- Program to Prepare Communities for Complex Coordinated Terrorist Attacks (FEMA);
- Continuing Training Grant Program (FEMA);
- Citizenship and Integration Grant Program: Citizenship Instruction and Naturalization Application Services (USCIS);
- Homeland Security Research Testing Program (S&T);
- Securing the Cities Program (DNDO); and
- Homeland Security BioWatch Program (OHA).

Recapitalization and Modernization

Background: The Coast Guard's highest acquisition priorities remain the Offshore Patrol Cutter and a new heavy ice breaker. The FY 18 budget request reflects both these priorities. However, it is almost certain the Senate will add a 10th NSC in their FY18 mark, which could threaten both of these programs. Since the National Security Cutter (NSC) became a program of record, Congress has provided close to \$5 billion. The program of record was eight NSCs. Congress added a ninth NSC (\$640 million) in the FY16 omnibus and added \$95 million for long lead time material for a 10th NSC. The post-production acquisition costs are projected to be \$138 million and the annual operation and sustainment cost is roughly \$50 million.

Question: Secretary Kelly, the previous administration published an arctic security strategy and made acquiring a heavy ice breaker a top priority. The estimated cost for this asset is \$1 billion. In the FY 17 omnibus appropriations bill, the Coast Guard received \$55 million in the Homeland Security budget and \$150 million in the defense budget to support the accelerated acquisition of a new polar ice breaker.

- Is this acquisition still a top priority for the administration and the nation?
- The Defense Appropriation Committees encouraged the Coast Guard to fund the balance of this acquisition. Does the Administration intend to announce a funding strategy for the vessel and do you expect that it will incorporate other governmental budgets?

Answer: Yes. The Coast Guard and Navy established an Integrated Program Office under the acquisition framework of the Department of Homeland Security (DHS) for the Polar Icebreaker program. In FY 2017, \$25 million was appropriated in the DHS budget along with \$150 million in the Defense budget to support an accelerated schedule. The President's comments on May 17, 2017, while at the Coast Guard Academy, reflect this Administration's commitment to these national strategic assets. As the President stated "we will be building the first new heavy icebreakers the United States has seen in over 40 years."

The Coast Guard's (FY 2017) Capital Investment Plan delivered to Congress includes funding for the polar icebreaker acquisition. The Coast Guard will continue to work with Congress through the Administration on how best to fund these national assets.

Question: Secretary Kelly, Congress has appropriated over \$6 billion to acquire nine National Security Cutters; one more than the program of record. While the capabilities and performance of the NSC has exceeded expectations, there is a significant cost beyond production to man, equip, and operate each NSC.

- Does the Coast Guard need any additional NSCs to accomplish any of their 11 statutory missions?
- What tradeoffs will have to be made in the Coast Guard's cutter modernization program to accommodate a tenth NSC?

Answer: The NSC is the most technologically capable surface asset in the Coast Guard's inventory. While the Service's program of record for the NSC is being revised to account for the addition of the ninth hull, my immediate focus is starting construction of the first OPC in FY 2018.

The Coast Guard is focused on responsible and affordable recapitalization. At this time, we are adjusting our program of record to account for NSC 9, as well as 25

OPCs and 58 FRCs. The Polar Icebreaker must remain a priority that will also be part of the Coast Guard's recapitalization plan. In the future, as additional assets are delivered to the fleet the Department and the Coast Guard will consider if any adjustments are needed.

Question: Secretary Kelly, in addition to the Coast Guard's national and homeland security missions, the service plays a vital economic role by keeping our inland waterways and ports safe and navigable. However, the assets required to execute this mission are often overlooked when it comes to funding for modernization. Despite the major acquisition efforts underway, much of the remainder of the Coast Guard's fleet of vessels, aircraft, and facilities are at or beyond their expected service life and are in desperate need of repair or recapitalization. For example, 71 percent of the Coast Guard's inland cutter fleet is over 50 years old; in fact, one cutter in service today was built in 1944! It is a testament to the men and women of the Coast Guard that keep these museum pieces running but I think the Department can do better.

- How does the age of your equipment and infrastructure impact readiness, morale, recruiting and retention?
- What are your acquisition priorities for the Coast Guard over the course of the next several years?

Answer: As the Coast Guard's assets and infrastructure age, they experience increased maintenance costs and ultimately, require recapitalization.

Coast Guard operations require a resilient, capable workforce that draws upon the broad range of skills, talents, and experiences found in the American population. The Coast Guard must maintain a proficient, diverse and adaptable workforce that responds effectively to changing technology, and an increasingly complex operating environment. Together, modern platforms and a strong, resilient workforce will maximize the Coast Guard's capacity to meet future challenges.

Over the next five years the Coast Guard plans to continue the ongoing recapitalization of surface priorities including the Offshore Patrol Cutter and Polar Icebreaker, air, and C4ISR assets; invest in shore infrastructure; and make targeted investments in legacy assets to sustain mission effectiveness.

Asylum Referrals and Credible Fear Determinations

Background: The Executive Order entitled “Border Security and Immigration Enforcement Improvements” and its resulting Implementation Orders directed the Director of USCIS to make changes in how interviewing officers conduct interviews with aliens requesting asylum and claiming credible fear. The EO further directed USCIS to increase the operational capacity of the Fraud Detection and National Security Directorate and continue to strengthen the integration of its operations to support the Field Operations, Refugee, Asylum, and International Operations, and Service Center Operations Directorate, to detect and prevent fraud.

Question: Secretary Kelly, on February 20, you issued implementation memos directing several efforts at U. S. Citizenship and Immigration Services (USCIS) regarding how to determine asylum and credible fear.

- How are you changing the interview process for asylum and determination of credible fear?
- Have you changed the thresh-holds used to determine the existence of asylum and credible fear claims?

Answer: In response to the February 20, 2017, implementation memos, USCIS harmonized the evidentiary requirement for determining credibility in the credible fear screening process with the REAL ID standard applied in the asylum context. The previous approach had been in place since the expedited removal process was first implemented in April 1997. Asylum officers are required to make a credibility determination in all asylum cases and credible fear and reasonable fear screenings, taking into consideration the totality of the circumstances and all relevant factors, as outlined in Immigration and Nationality Act section 208(b)(1)(B)(iii), as added by sec. 101 of the REAL ID Act of 2005, Div. B of Pub. L. 109-13.

The standards for establishing asylum eligibility and credible fear in the expedited removal process are statutory and can only be changed by legislation. The credible fear standard remains that the applicant must show a significant possibility that he or she could establish eligibility for asylum or withholding of removal. However, in response to the issuance of the implementation memos, USCIS harmonized the standard for determining credibility for credible fear screenings with that required to establish credibility in an asylum adjudication. Prior to this harmonization, USCIS had maintained a longstanding policy, established in 1997 by legacy INS,

of requiring that an alien being screened for credible fear need only establish a significant possibility of being found credible in a full merits hearing on his or her asylum claim. This prior policy was not required by statute or regulation, and USCIS has now adopted a new policy to apply the more demanding standard for determining credibility that governs full-blown asylum adjudications under the REAL ID Act.

Question: You directed USCIS to increase the operational capacity of its fraud detection programs and report within 90 days regarding fraud vulnerabilities in the asylum and benefits adjudication processes.

- What was revealed in this review? What is the status of the fraud detection expansion and how will it impact visa issuance?
- How do you propose to enhance fraud detection, deterrence, and prevention?

Answer: DHS has identified several key areas of opportunity to enhance integrity measures within the immigration cycles, including numerous measures that have already been implemented or are in the process of implementation.

These measures include, but are not limited to, further integration of USCIS Fraud Detection and National Security (FDNS) Officers into the credible fear process, enhanced officer fraud prevention and integrity training and increased participation in immigration benefit fraud related task forces. Additional measures include instituting added targeted site visits by USCIS FDNS Officers, focusing resources where fraud and abuse of the H-1B program may be more likely to occur, and establishing a dedicated tip-line to allow both American workers and H-1B workers to report alleged violations and other relevant information about potential H-1B fraud and abuse.

USCIS has also rapidly instituted a number of key marriage based immigration initiatives, including requiring in-person interviews designed to better verify the bona fides of the claimed relationship. USCIS updated the interview waiver policies by removing K-1 fiancé(e)-based Form I-485, Application to Register Permanent Residence or Adjust Status, cases from the list of classifications that are generally not required to undergo an interview, absent specific indicators, prior to the adjudication of their adjustment of status application.

USCIS continues work on numerous other coordinated interagency measures designed to further ensure effective enforcement of U.S. immigration laws while streamlining and facilitating the legal immigration process.

DHS continues to work on a number of coordinated interagency measures to enhance integrity measures within the immigration cycles. These measures include combining screening concepts with tools, programs, and practices from across the screening and vetting enterprise, including expanded information-sharing efforts. These combined efforts will result in a more comprehensive and uniform approach that will include: the collection of immigration application data; standardized interviews with travelers and immigration populations; development of focused risk based models; and system checks supporting a robust vetting process that will enhance fraud detection, deterrence and prevention.

Border Security

Background: The budget proposes investing \$2.6 billion in high-priority tactical infrastructure and border security technology, including funding to plan, design, and construct a physical wall along the southern border as directed by the President's January 25, 2017, Executive Order.

Question: Secretary Kelly, there has been lots of discussion about border security and how to achieve operational control.

- How do you define the requirement for operational control of the border? Do you have a fully validated requirement that is driving the request for funding in the FY18 budget?
- The budget includes \$1.6 billion for wall planning, design and construction to include 74 miles of border infrastructure. How will these efforts improve our border security?

Answer: The Department's focus, consistent with the President's direction, is to attain and maintain operational control (preventing unlawful entry of people and goods) between the ports of entry along our borders. DHS intends to do this by investing in appropriate tactical infrastructure, including a wall, along the southwest border and optimizing the use of technology and efficiently employing agents. The wall, where required, is our priority resource requirement to impede or deny illegal entries. Optimization of technology will facilitate detection and tracking of unlawful entries not impeded or denied entry by a wall. Lastly, agents

will be tactically deployed to respond to and apprehend all illegal entries not deterred at the immediate border.

There are fully validated requirements for wall, technology and agents driving the request for funding in the FY 2018 budget. The requirements are also prioritized according to levels of risk associated with specific geographic areas, such as the Rio Grande Valley Sector.

The funds requested in FY 2018 are for the construction of 28 miles of levee wall system and 32 miles of border wall system in the Rio Grande Valley Sector and 14 miles of secondary wall system in San Diego Sector. The investment in the wall system will address one of the essential U.S. Border Patrol's capabilities of impedance and denial. The wall system will also incorporate some elements of domain awareness (e.g., enforcement cameras) and access and mobility (e.g., roads and gates).

Question: The President has proposed increasing the size of the Border Patrol by 5,000; however, the Border Patrol today is of 1,800 below the targeted level of 21,370 agents.

- Congress has been asking the Department for several years to develop a model for the number of Border Patrol agents; however, we understand that it is potentially two years away from being completed. Without such a model, how did the Department establish the proposed increase of 5,000 Border Patrol agents?
- How will you address the continued attrition within the Border Patrol? What is a realistic end strength by the end of FY18?

Answer: The President has called for an increase of 5,000 Border Patrol agents in Executive Order 13767, "Border Security and Immigration Enforcement Improvements." While CBP has experienced hiring challenges and continues efforts to develop workforce modeling for the U.S. Border Patrol, internal analysis supports the hiring of an additional 5,000 Border Patrol agents over four years as a reasonable goal to improve operational effectiveness and better meet mission demands at our Nation's borders.

Addressing attrition is a priority for CBP. In particular, CBP is working on a range of incentives and mobility options to address the concerns of the CBP workforce. Research has indicated that a large number of staff leave the agency for other jobs

based on location. The FY 2018 budget includes \$30 million (\$25 million for Border Patrol and \$5 million for Air and Marine Operations) to support operational mobility, developmental assignments, and leadership relocations. Implementing a stable relocation program for the CBP workforce will help meet operational requirements and help to alleviate the lack of mobility significantly contributing to increased attrition across the workforce. With the additional resources for recruitment and hiring, as well as the various process improvements being implemented, CBP's intent is to work to achieve an end state of 20,258 Border Patrol Agents by the end of FY 2018.

Question: While your budget proposes increases to the Border Patrol, we all know that most of the drugs and money that enter the U.S. actually come through our ports of entry. It should be noted that the Office of Field Operations has a validated model that shows what the requirement is for CBP Officers – and the model this year shows us needing additional officers.

➤ How are you addressing this need?

Answer: CBP's Office of Field Operations (OFO) utilizes its Workload Staffing Model for CBP Officers, as reported most recently in the "*Resource Optimization at the Ports of Entry: Fiscal Year 2016 Report to Congress*" dated June 7, 2016. CBP is in the process of updating that report for FY 2017 and its corresponding analysis for delivery to Congress.

CBP flexes to respond to surges in volume. For example, during the migration surge early in FY 2017, CBP increased overtime as well as detailed CBP Officers to southwest border locations in Southern California and Arizona to meet the increased workload.

United States Secret Service

Background: In FY17, Congress added over \$180 million to the USSS budget for requirements that were not included in the budget request and for emergent requirements that developed after the budget request was submitted. According to the FY18 request, DHS contends all USSS requirements are fully funded.

Question: Secretary Kelly, over the last several years, the Secret Service has undergone significant changes and challenges, including several new Directors,

inadequate funding, increased attrition, low morale, and increased protection demands.

- Is the Secret Service adequately funded for this fiscal year FY18? Are there gaps that haven't been addressed in the request? I would note in FY17, Congress added over \$180 million for unfunded requirements.
- How does this budget address attrition and increased staffing requirements?
- What challenges do you see in the future for the Service?

Answer: Notwithstanding the \$102 million reduction from the FY 2017 enacted budget due to reduced 2016 Presidential campaign requirements, the FY 2018 President's Budget supports the Secret Service's highest priority needs and adequately funds the agency's staffing requirements at 7,150 personnel; permanent change of station costs; travel; and New York protective operations.

The FY 2018 President's Budget request fully funds Secret Service staffing to achieve a required on-board level of 7,150 personnel and sustains existing tuition assistance, student loan repayment and child-care subsidy retention and incentive programs. The Department is currently working on options to improve Secret Service retention, which may include a need for legislation.

The Secret Service will always face challenges with respect to the evolving nature of its mission space. Protective responsibilities vary across Administrations, and even within the same Administration as threat levels dictate the protective resources (both personnel and equipment) deployed. In both protection and investigations, the relatively low cost of emerging technologies has led to their use in a wide range of criminal behavior. This growth has heightened the need for additional technical training and access to advanced technology and equipment for all levels and categories of law enforcement personnel. Physical protection is no longer possible without knowledge and awareness of cyber-related vulnerabilities within critical infrastructure and systems. Similarly, criminals aspiring to do significant damage to financial systems and cripple the U.S. economy have numerous tools available to them – and they only need to find the one we are not ready for. As a result, the Secret Service must prepare for an array of attacks, whether physical, virtual or some combination thereof.

ICE Deportation Operations

Background: The DHS Inspector General, in a report released on April 13, 2017, found systemic management shortfalls that result in ICE failing to effectively manage the deportation of aliens who are no longer detained, but are under its supervision. The IG concluded that ICE is “almost certainly not deporting all of the aliens who could be deported and will likely not be able to keep up with the growing numbers of deportable aliens.” There were four causes the IG cited for this failure, three of which are well within DHS and ICE’s ability fix: appropriately staffing deportation operations; balancing deportation officer workloads between detained and non-detained dockets; and, providing clear policies, procedures, training for deportation officers. The one contributing factor beyond the Department and ICE’s control is the number of countries that refuse or limit the return of their citizens. However, ICE and the Department can enhance existing mechanisms and improve cooperation with the Department of State to remove obstacles to deportation.

Question: Mr. Secretary, in a recent report by your Inspector General on ICE’s deportation operations, ICE agents were supervising over 2 million aliens on the non-detained docket; of these 368 thousand were convicted criminals. The report went on to state that ICE is not effectively managing the supervision and deportation of non-detained aliens, and not only is not deploying all the aliens who could be deported, but also unlikely to keep up with the number of aliens who will have to be deported as a result of the Department’s ramp up of interior enforcement. This is a troubling report, especially in light of the amount of funding requested to enable increased apprehension and detention. I understand one contributing factor is the number of countries that refuse or limit the return of illegal aliens.

- What discussions have you had with Secretary Tillerson to address this problem?
- What other actions can the Department and ICE take to ensure deportable aliens are, in fact, removed from this country?

Answer: Countries that systematically refuse or delay the repatriation of their citizens are considered to be uncooperative. This is a major reason U.S. Immigration and Customs Enforcement (ICE) is unable to remove aliens who have been ordered removed.

Since April 2011, ICE and the Department of State (DOS) have had a memorandum of understanding (MOU) in place establishing a number of steps to gain compliance with repatriation from foreign countries. The MOU provides, in part, for the issuance of *démarches*, which are official notices for host governments to expeditiously issue travel documents for their citizens under orders of removal from the United States. The MOU also provides for the formal consideration of countries as noncompliant, for potential visa sanctions under § 243(d) of the *Immigration and Nationality Act*, and for possible withholding of aid or other funding.

ICE is undertaking a number of efforts to uphold the integrity of our nation's immigration laws and ensure that aliens with final orders of removal are in fact removed. ICE's recent efforts since the Executive Orders include a renewed focus on the removal of non-detained aliens with final orders of removal who have exhausted all appeals. Moreover, no individual classes or categories of removable aliens are excluded from enforcement.

Further, ICE remains focused on developing and implementing a robust hiring plan required to carry out Executive Order 13748, which directs ICE to substantially increase the number of immigration officers. Specifically, these officers will conduct enforcement operations to identify and apprehend removable aliens, detain these individuals when necessary, and remove illegal aliens from the United States.

Additional attorneys will also be necessary in FY 2018 to ensure ICE carries out its lawful duties in the prosecution of cases before the U.S. Department of Justice's (DOJ) immigration courts. At the end of FY 2016, there were more than 516,000 pending immigration cases nationally. In FY 2017, the ICE litigation workload is projected to grow to over 800,000 cases, a 25 percent increase from the previous fiscal year. To address this issue until additional FY 2018 resources are available, ICE continues to work with DOJ and has detailed its attorneys to hearings conducted by immigration judges who have also been detailed in key locations to help reduce the detained docket backlogs.

Finally, with regard to the removal of aliens to recalcitrant or uncooperative countries, the U.S. Department of Homeland Security's and ICE's joint intensive efforts with DOS to engage foreign counterparts has resulted in positive gains. In May 2017, the list of countries deemed uncooperative by ICE for failure to accept the return of their nationals ordered removed from the United States dropped from

21 to 12.¹ As of June 2017, ICE continues to closely monitor 47 additional countries that are At Risk of Non-Compliance (ARON) for delaying issuance of travel documents and/or not accepting chartered removal flights. ICE and DOS prioritize their engagement with these 59 countries in an effort to bring them into compliance with their international obligations.

Cybersecurity

Background: The FY 2018 President’s Budget Request includes \$966 million to improve and expand cybersecurity capability; a decrease of \$4 million from FY 2017. The request continues deployment of two of DHS’s premier cybersecurity programs – National Cybersecurity Protection System (EINSTEIN) and Continuous Diagnostics and Mitigation. It also provides funding to increase the response capability of the National Cybersecurity and Communications Integration Center (NCCIC) and the number of its computer emergency response teams. Other key investments include funds to improve the Nation’s cybersecurity posture, provide automated cyber information sharing, and manage cyber risks to the Nation.

Question: Secretary Kelly, the need for cybersecurity and the human and financial impact of not having the right systems and processes in place to detect and prevent a cyberattack is evidenced by the recent “Wanna Cry” ransomware attack earlier this month. I am encouraged by the President’s Executive Order identifying the need to strengthen the cybersecurity of federal networks and critical infrastructure and note that your FY 2018 budget request includes a slight decrease for cybersecurity. I am concerned that this level of funding doesn’t even sustain status quo of your existing programs and does nothing to address the directives in the President’s Executive Order.

- At this level of funding, it is clear security gaps will remain. What will this funding achieve and how does this budget support the directives in the President’s order?

Answer: The President’s Budget provides critical funding for cybersecurity to ensure strong programs and technology that defend the Federal networks that serve the American people, and continues the effort to share information, standards, and best practices with critical infrastructure and American businesses to keep them

¹ As of May 2017, ICE considers the following 12 countries to be uncooperative: Burma, Cambodia, China, Cuba, Eritrea, Guinea, Hong Kong, Iran, Laos, Morocco, South Sudan, and Vietnam.

secure. Included in the Budget are critical resources for cybersecurity personnel to counter cybersecurity risks. The Budget includes an increase in resources for the National Cybersecurity and Communications Integration Center (NCCIC), which enables the Department of Homeland Security (DHS) to respond effectively to cyberattacks on government and private entities, including critical infrastructure, which directly supports both the Cybersecurity of Federal Networks and Cybersecurity of Critical Infrastructure tasks within EO 13800. Detecting vulnerabilities, blocking malicious activity, and mitigating the impact of intrusions requires innovative technology and an agile workforce. Funding for the NCCIC will allow for the protection of private sector entities and the creation of federal civilian cyber defense teams. The request will allow DHS to continue providing the necessary tools and services for all phases of the Continuous Diagnostics and Mitigation (CDM) program that enable Federal and other government information technology (IT) networks to strengthen the security posture of their cyber networks, which is one of the key efforts within EO 13800. The FY 2018 Budget enables continued enhancements to the protection of Federal civilian departments' and agencies' IT infrastructure from cyber threats through the National Cybersecurity Protection System (NCPS). Together CDM and NCPS share a common goal of protecting infrastructure by providing a common baseline of security for the federal civilian government.

Question: As you know, the funding for NPPD's cybersecurity and infrastructure protection functions is deemed Defense. Historically, the Department receives a limited amount of funding for Defense functions and, because of this cap, these functions cannot be funded to the requested level.

- What are the risks to the government's cyber network if the requested increase is not available due to the cap on defense spending?

Answer: The President's FY 2018 Budget provides critical funding for cybersecurity and infrastructure protection, and the Administration will work with Congress to fully fund the budget request.

Question: I am especially concerned with the impact of a cyber-attack on our electrical grid and note that an executive order directs you and the Secretary of Energy to assess the readiness of the United States to manage the consequences of such an incident and to identify any shortfalls in terms of assets or capabilities required to respond to such an attack.

- When will you initiate this assessment and how long will it take to receive your report?

Answer: Executive Order 13800 requires Department of Homeland Security and Department of Energy to do an “Assessment of Electricity Disruption Incident Management Capabilities.” The assessment is currently underway and will be delivered to the President as required by the Executive Order.

Hiring Challenges/Polygraph

Background: Over the last several years, the Department faced a significant backlog of vacancies in operational components, including CBP, ICE, NPPD, and Secret Service. The length of time between applying for the job and being hired takes as long as a year due to background checks and long polygraph lines. Areas of major concern continue to be the Border Patrol and ICE. CBP blames much of their continuing hiring lag on the use and fail rate of polygraphs.

Question: DHS personnel in critical operational components like CBP, ICE, and Secret Service continue to leave faster than the department can hire replacements. Despite modest improvement, hiring lags continue to plague the department and could cause a significant under-execution of funding in FY18.

- How does the FY18 budget address these concerns?
- What initiatives have been undertaken to address vacancy rates at CBP, ICE, and Secret Service? What are their results?

Answer: The Department continues to work to find ways to streamline the hiring process wherever possible. Significant improvements have been made at Customs and Border Protection (CBP), process modifications have been made at U.S. Secret Service, and new initiatives are underway at U.S. Immigration and Customs Enforcement (ICE).

CBP continues to refine its hiring process to identify and hire qualified personnel in the shortest amount of time as possible. CBP’s new frontline hiring process has led to significant reductions in the average time-to-hire – from 469 days in January 2016 to March 2017’s average time-to-hire of fewer than 300 days. Many successful applicants are now able to move through the hiring process in approximately 160 days. The FY 2018 President’s Budget includes an increase of

\$17.5 million to support efforts to continue and expand process improvements and add capacity to frontline hiring by focusing on efforts to attract qualified candidates and expedite their progress through the CBP hiring process.

The Secret Service currently is hiring in excess of its attrition for FY 2017 and has made modifications that ultimately will streamline its hiring process to reduce the time to on-board from 407 to 117 days. Additionally, the Secret Service is redoubling its efforts in hosting Entry Level Assessment Centers (ELACs) around the country, which allow the Secret Service to use surge force capacity to process applicants through phase one of the hiring process and reduce the processing time for applicants.

ICE's current time to hire from announcement to on boarding for GS-1801 Deportation Officers is 314 days. ICE has implemented several initiatives to reduce the time to identify and hire qualified personnel in the most expedient manner possible. "Super One-Stop" events are being held, where applicants can be hired onsite and immediately begin the pre-employment process – reducing the hiring process by 60 to 90 days. Additionally, the FY 2018 President's Budget includes \$12.7 million to better facilitate the hiring of law enforcement officers (LEOs) and support personnel. The funds will increase resources for the Offices of Human Capital (OHC), Professional Responsibility (OPR), and Training and Tactical Programs (OTTP) to ensure the infrastructure is in place for the timely hiring, on-boarding, and training of staff. OHC is responsible for overseeing ICE hiring, while OPR conducts and adjudicates suitability background investigations for all contractors, LEOs, and support personnel at ICE. Additional personnel are requested for OTTP to conduct necessary training for new personnel.

CBP and ICE have undertaken numerous initiatives to address vacancy rates. They expanded delegated authorities (e.g., direct hire, establish pay and special salary rates for remote/hard-to-fill locations), performed continuous human resources (HR) process improvements (e.g., expanded hiring hubs, streamlined hiring process), enhanced recruitment (e.g., digital ad campaigns, sponsorships, branding/marketing), and increased mobility and incentives (i.e., incentivize retention via rotational opportunities/compensation flexibilities).

CBP demonstrated their ability to hire applicants in 165 days through their streamlined hiring hubs, a significant reduction from the January 2016 baseline of 469 days. Their investments in recruitment efforts show promise, as evidenced by realizing 99 percent more applicants in FY 2017 Quarter 2 than in FY 2017

Quarter 1. This is key for increasing staffing levels, as, on average, 81 applicants are needed to achieve 1 on-boarded employee.

ICE identified efficiencies and began implementing them at multiple stages of the hiring process. ICE is standardizing practices and workflows, and identifying resources for resolving bottlenecks, particularly the medical screening process for law enforcement officers.

The Secret Service implemented process improvements (e.g., rearranged/consolidated hiring steps, restructured medical review steps), expanded applicant outreach and processing (e.g., established Entry-Level Assessment Centers, conducted military outreach), re-hired annuitants as polygraphists and background investigators (i.e., received authority from Office of Personnel Management for dual compensation waivers/no salary offset), and used new retention incentives (e.g., established child care subsidy program, and are currently seeking agency-wide excepted service status and increase in aggregate annual pay cap). To address attrition, the FY 2018 President's Budget sustains funding for tuition assistance, student loan repayment, and child-care subsidy retention and incentive programs.

Question: Each pay period, Border Patrol continues to lose more agents than are hired, and is currently 1,800 positions below the targeted staffing level.

- Is CBP accepting more risk along the border or in other missions given the reduction in manpower?
- If so, what is the mitigation strategy?
- If Border Patrol was able to sustain 21,370 agents, what could we expect to see in additional law enforcement activity?

Answer: CBP aligns Border Patrol personnel to ensure coverage of high threat areas. CBP conducts threat assessments along the U.S. borders and prioritizes the operational tempo in a given area based on the ability to have situational awareness, impede and deny, and bring a law enforcement resolution to any border incursions of contraband and/or people. CBP maintains the ability to shift resources (agents and technology) to prioritized threats and utilizes relationships with strategic partners to help mitigate the risk in lower threat areas.

If the Border Patrol sustained 21,370 agents, CBP would realize gains in operational control between the ports of entry. Additional agents provide for increased situational awareness, increased ability for impedence and denial, as well as increased ability to bring any border incursion to a law enforcement resolution in the manner that is most safe for our operational staff. These three elements are the basis for operational control between the ports of entry and overall border security.

Question: I understand that the single biggest disqualifying factor for applicants at some agencies—CBP in particular—is the adjudication of the polygraph.

- Does the current polygraph process need to be changed to address the fail rate?
- What are you doing to ensure commonality across the Department in how the tests are administered and adjudicated?

Answer: The polygraph examination is not the single biggest disqualifying factor for applicants at CBP. As such, CBP does not believe the polygraph process needs to be changed for that reason. All programs involved in the hiring process undergo continuous review and self-assessment to ensure efficiency and effectiveness. In FY 2016, only 14 percent of the 42,569 qualified applicants for law enforcement positions in CBP reached the polygraph phase of the hiring process. Although the number of applicants who have passed the CBP polygraph (approximately 31 percent historically) has been lower than CBP had hoped, there are many facets to the hiring process that have challenged CBP.

CBP fully complies with the Anti-Border Corruption Act (ABCA) of 2010, and currently administers polygraph examinations to all law enforcement applicants prior to hiring them. In compliance with this requirement, CBP has used the Law Enforcement Pre-employment Test (LEPET). In an effort to refine and expedite this phase of our hiring process, CBP sought the assistance of the National Center for Credibility Assessment (NCCA) to identify a more streamlined testing format while also maintaining CBP's high integrity standards.

NCCA and CBP collaborated in the development of the Test for Espionage, Sabotage and Corruption (TES-C) polygraph format which was specifically tailored to suit CBP's needs. On May 1, 2017, CBP implemented a six-month pilot of the TES-C format. The TES-C format is uniquely tailored to CBP's needs by

addressing all National Security and Serious Crime issues, but also focusing on corruption-related issues.

Since the issuance of the National Defense Authorization Act of 2017, which provided the CBP Commissioner with authority to waive the polygraph examination for a select group of veterans with active Tier 5 background investigations and TS/SCI clearances, CBP has worked with Congress to explore the possibility of extending polygraph waiver eligibility to groups of applicants who have already been vetted in some manner, whether at the state/local or federal level. Individuals would need to meet the following criteria: (1) A Current State or Local Law Enforcement Officer with a successfully completed polygraph examination with the applicant's law enforcement agency, at least three consecutive years employed as a fully authorized law enforcement officer, and are in good standing; (2) A Current Federal Law Enforcement Officer with at least three consecutive years employed as a fully authorized federal law enforcement officer, a current/in-scope Tier 4 or Tier 5 Background Investigation, and are in good standing; or (3) A Transitioning Military Service Member, Veteran, or Member of the Reserves or National Guard who has at least four years of service in the military, is in good standing with no violations of the US Code of Military Justice, and who holds or has held (within the past five years) a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance and was not granted any waivers to obtain the clearance. These potential changes to the polygraph program will also maintain CBP's high integrity standards.

CBP continues to examine every aspect of its pre-employment process to identify areas in which improvements can be made. While many modifications to our process are being considered, we will not implement any change without carefully weighing its risks and mitigation measures. To be clear, CBP is not lowering its standards for any of its frontline personnel.

The issue of commonality begins with the Office of the Director of National Intelligence (ODNI), which establishes policy for executive branch departments and agencies on the use of polygraphs in support of personnel security determinations. The ODNI mandates that departments/agencies using the polygraph would:

- 1) utilize questions that cover topic areas for the designated type of polygraph and be limited to national security matters relevant to clearance adjudication;
- 2) include standardized training and certification for polygraph examiners; and

- 3) undergo quality assurance audits on a biennial basis by the National Center for Credibility Assessment (NCCA).

Departmental polygraph program commonality is validated through frequent audits by the NCCA. To date, all program audit reports have been favorable. DHS, in turn, provides these reports to the Office of Personnel Management, which annually grants the Department authority to use the polygraph in suitability vetting of applicants for law enforcement positions.

All polygraph results for personnel security use are evaluated/adjudicated in accordance with the applicable suitability criteria and/or national security adjudicative guidelines.

In an effort to increase commonality across DHS, the Chief Security Officer issued a memorandum on March 21, 2017 directing the reciprocal acceptance of polygraphs from other external organizations such as the Department of Defense, Central Intelligence Agency, and Federal Bureau of Investigation. The memo also reminded Components to enter the polygraph results into a centralized personnel security repository, the Integrated Security Management System.

Unauthorized TSA Fees and Program Changes

Background: The FY18 budget request proposes changes to aviation security fees intended to generate an additional \$530 million in new revenue and assumes this amount as an offset in TSA's discretionary appropriations. The request also proposes to eliminate staffing at airport exit lanes and funding to reimburse airport operators for law enforcement support at checkpoints. However, these fee increases and additional proposals require authorizing legislation that is not under the jurisdiction of the Appropriations Committee and is unlikely to be enacted, creating a hole totaling more than \$650 million in TSA's budget.

Question: Congress has repeatedly bailed out the Department's funding shortfalls over the past several years to enable TSA to take steps to improve aviation security screening. The FY18 budget assumes TSA's budget will be offset by over \$530 million in new revenue from fee increases that have not been enacted in law, and assumes other program eliminations that also require legislative changes. This tactic was used multiple times during the last Administration, and I had hoped we'd moved beyond such gimmicks. Instead, we're again left with a \$650 million hole in TSA's budget.

- How will TSA continue to support these added capabilities and initiatives in the face of a \$650 million shortfall?
- Where do you propose we cut your budget by \$650 million to offset these unauthorized fees?

Answer: In the FY 2018 President’s Budget, the two proposals that require legislative changes are the passenger fee increase totaling \$530 million and the ceasing of exit lane staffing at the one third of airports where the TSA still cover’s exit lanes, totaling \$77 million. DHS and TSA disagree with the characterization of these proposals as “gimmicks” – we believe these to be modest and reasonable requests to better align the financial responsibility of securing air travel on those who benefit most from that service. The proposed increase in passenger fee is in line with overall airfare cost growth, and the proposal to cease exit lane staffing allows TSA to devote its trained Transportation Security Officers to checkpoint screening duties. DHS and TSA look forward to working with the House and Senate authorizing committees to ensure the enactment of these entirely justified proposals.

I believe it is more important than ever to raise the fee, given the seriousness of emerging and persistent terror threats. Terrorist groups are actively exploring a wide array of options for compromising the aviation sector, including through the use of concealed explosives, recruitment of airport and airline insiders, hijackings, and attacks against soft targets, such as the outer perimeter of the airport before the security checkpoint. These threats prompted the Department to take action recently to increase aviation security worldwide through a host of ‘seen and unseen’ measures. Our enemies are adaptive, and our response must be, too. That is why the Department needs a right-sized passenger fee – to ensure our security posture can keep pace with those seeking to do us harm.

The FY 2018 President’s Budget proposes fiscally responsible funding strategies to ensure that TSA is positioned to address the anticipated growth in passenger volume and to focus its resources on screening functions and risk-based security measures. The last fee increase for TSA, to begin to cover the cost of operations, was in 2013. When created, TSA was envisioned to be a largely user-fee based organization.

For example, a core part of this strategy is a modest \$1 increase to the TSA Passenger Security Fee for each leg of a round-trip ticket. Even with this increase,

the Federal Government will only recoup 75 percent of the cost of TSA's aviation security programs (which is up from the 62 percent cost recovery level in 2016). The remaining cost to provide these services to air passengers is absorbed by the tax paying public. This proposal is fundamental to ensuring that the President's priorities are funded in FY 2018 and we have no additional offsets to propose.

I strongly urge Congress to support each of these proposals.

Unity of Effort

Background: In 2014, Secretary Johnson announced a Department-wide campaign to institute similar decision-making processes at every DHS component for the purpose of streamlining operations, harmonizing joint requirements, and improving the budget request. The primary goal is better execution of DHS missions by linking strategy, decision-making, budgets, and acquisitions.

Question: Secretary Kelly, in 2014, Secretary Johnson announced a Department-wide initiative to strengthen and more effectively execute operations and missions. This subcommittee fully supports these initiatives, and we hope you continue to build on these efforts – especially the Joint Requirements Process and the Joint Task Forces.

- As the new Secretary, do you support these programs?
- What new or updated initiatives can we expect from the Joint Task Forces this year? What advantages do you expect from joint commands in the short term and long term?
- What about the Joint Requirements Council (JRC)? Will your future budget justifications reflect a rigorous requirements and program review process that incorporate decisions by the JRC?
- What are the challenges of instituting additional Unity of Effort processes at the component level?

Answer: I fully support the Unity of Effort work that my friend, Jeh Johnson, started in 2014. I have directed the Deputy Secretary, Elaine Duke, to not only continue this important work, but to super charge it. She is working through the

DHS Deputy's Management Action Group to make progress on not only the joint requirements and Joint Task Force (JTF) areas you identified, but also on other high priority DHS-wide efforts, including employee recruiting, hiring, retention, and compensation as well as information technology systems acquisition and enhanced decision-process synchronization, among others.

Shortly after assuming my position as the Secretary of DHS and receiving the President's Executive Order on Border Security and Immigration Enforcement Priorities, I directed the JTFs to plan and implement enhanced counter-network operations directed at disrupting transnational criminal organizations. In the short term, providing the JTFs a specified mission responsibility will allow them to focus the full capabilities and capacities from across DHS to counter the significant threat to national security posed by transnational criminal organizations. In the long term, focusing the JTFs on the counter-network operations will improve our understanding of the threat and lead to more flexible and responsive approach to an adaptive enemy.

It is the goal of the Department to develop a robust set of requirements documents for all operational capability gaps to inform investment decisions as part of the DHS budget submission. As our business processes become more intertwined and our library of operational requirements documents grows over time, Congress should begin to see this linkage in DHS budget documents.

One of the Joint Requirements Council's (JRC) principal means of supporting operational effectiveness is by informing the Department's Planning, Programming, Budgeting, and Execution (PPBE), and Research and Development processes. Therefore, JRC decisions will be reflected throughout requirements identification and program review phases.

DHS has encouraged investment in these new processes by providing guidance in our annual resource allocation planning document, the *DHS Resource Planning Guidance*, and being supportive of Component budget adjustments for analytic and other necessary capabilities in their resource allocation plans. The Components recognize the primary incentives of adopting these new approaches: greater success in identifying the right capability to meet their operational needs and in getting that capability funded, acquired and in the field at the right time. DHS will improve the execution of its Unity of Effort processes through year-over-year practice, building the experience of our workforce in these important practices.

Vetting

Background: In several Executive Orders, the President directed reviews and improvements to the DHS visa vetting process.

Question: Secretary Kelly, over the last several months, DHS has undertaken reviews of the vetting process.

- What is the status of the reviews?
- Do you intend to change the current vetting program?

Answer: The President has directed DHS along with other agencies to implement measures to enhance the government's visa and immigration screening and vetting programs. Classified progress reports on these efforts have been submitted to the President as required by section 5 of Executive Order 13780.

One of my top priorities as Secretary is to raise the baseline for vetting and screening to keep terrorists and other threat actors out of our territory. We are assessing the entire scope of our vetting system, identifying gaps, and putting in place measures to both close those gaps and elevate our efforts overall. We have already taken steps to better integrate intelligence into our processes, to improve our investigations and security checks, and to verify the identity of U.S.-bound immigrants and travelers. But we are continuing to develop bold steps to further enhance screening and vetting that we expect to implement in the months and years ahead.

Questions: The EO states that DHS will perform a global, country by country review, and countries will have 50 days to comply with the request to update or improve the quality of the information they provide.

- Is the review complete and can you provide us the results?
- How many countries need to improve the information they provide us about travelers?
- How you are working with countries to improve information sharing?

Answer: As of the date of this hearing, the DHS review was not yet complete. DHS has only recently resumed its efforts, in consultation with the

Department of Justice and the Executive Office of the President, to complete the review due to the narrowing of the injunction on this EO. Pursuant to the EO, DHS is working with interagency partners to set a new baseline for information sharing from foreign partners to make sure the United States is getting the data it needs to keep terrorists, criminals, and other through actors away from our shores.

DHS works with countries through a variety of bilateral and multilateral efforts to exchange information, develop international agreements and other frameworks governing data sharing and develop common standards for data exchange. With the Department of Justice we have concluded 42 Preventing and Combating Serious Crime Agreements to support biometric data sharing for the purpose of detecting crime internationally. These Agreements are a useful framework for a wide-variety of cooperative efforts with foreign partners, including sharing information in support of investigations and border and immigration vetting. DHS has also concluded, along with the State Department, comprehensive immigration information sharing agreements with Five Eyes partners. Deployment of sharing initiatives such as the Secure Real-Time Platform allow DHS to maximize the contribution of such agreements to its operations.

In addition to the Department's bilateral relationships, multilateral partnerships, including INTERPOL and EUROPOL are critical. INTERPOL provides an efficient and accessible way for U.S. and foreign partners to share information on lost and stolen passports, foreign terrorist fighters and criminals, thereby enhancing countries' own screening by leveraging enriched INTERPOL records. The United States can leverage these data sets in its screening and vetting programs. The Department also leverages existing U.S.-European Union (EU) agreements to assign officers to EUROPOL to facilitate the exchange of information with European counterparts and to enhance cooperation on investigations of terrorist and criminal networks.

Multilateral organizations also create valuable opportunities to promote information sharing standards. For example, the U.S. Government has successfully incorporated information sharing best practices into United Nations Security Council Resolutions 1373, 1624, 2178 and 2322. DHS has also worked with the International Civil Aviation Organization (ICAO) and World Customs Organizations (WCO) to develop standardized data formats for passenger data that can facilitate information sharing. Similarly, DHS has worked closely with INTERPOL to develop standards and best practices for its information sharing programs.

Lastly, DHS encourage countries to develop effective passenger prescreening programs, including the use of Advance Passenger Information (API), Passenger Name Record (PNR) and effective visa/ Electronic System for Travel Authorization (ESTA) vetting, consistent with guidance from ICAO, International Air Transport Association (IATA) and the WCO. In particular, we encourage EU countries to meet or exceed their May 2018 deadline for implementing the EU's PNR directive and to support additional work on cross-EU interoperability. DHS has made available software and technical expertise to facilitate such developments through the Automated Targeting System – Global. The establishment of effective foreign screening programs maximizes the value of data sharing by ensuring foreign partners have an effective means to utilize data shared by the U.S. to detect and respond to likely threats.

Question: The EO stated that after 60 days, DHS and the State Department must develop a list of countries that do not provide the information necessary to adjudicate visas.

➤ Do you have such a list and can you provide it to us?

Answer: As of the date of this hearing, the DHS efforts to conduct the world-wide review of information under section 2b commenced but were not complete.

Question: The Visa Waiver Program continues to be vitally important for the travel of persons to the U.S.

➤ Will you be updating the vetting for the program?

➤ What are the challenges posed by the Visa Waiver Program in ensuring our nation's security?

Answer: DHS is currently assessing an array of programs—including the Visa Waiver Program—to determine whether any security enhancements are needed to better protect the United States and the American people. At this time, we do not have any updates or announcements regarding possible enhancements. But we will continue to work closely with Congress to discuss what we are doing to ensure VWP travelers are thoroughly screened and to ensure our foreign partners live up to their commitments as part of the program.

The VWP enhances U.S. national security by requiring designated countries to engage in a level of security cooperation with the United States that exceeds that of

many other nations whose nationals travel to the United States. DHS enforces these requirements by conducting regular continuing designation reviews, continuously monitoring each VWP country between designation reviews, and taking corrective measures (such as increasing the frequency of reviews or limiting the ESTA validity) to maintain compliance. This approach incorporates robust, national-level risk assessments concerning the impact of each program country's participation in the VWP on U.S. national security, law enforcement, and immigration enforcement interests. It also includes comprehensive, recurrent screening of individual VWP travelers prior to their departure for the United States, upon arrival at U.S. ports of entry, and during any subsequent air travel within the United States.

Other Executive Order Efforts

Background: The Executive Order on Border Security and Immigration Enforcement Improvements Policies and resulting Implementation Orders directed reviews to identify and quantify sources of aid to Mexico, return aliens to contiguous countries, proper use of parole authority, proper processing and treatment of Unaccompanied Alien Minors, accountability measures to protect alien children from exploitation, and prevent abuses of our immigration laws.

Questions: Secretary Kelly, on February 20, you issued implementation memos detailing how various Executive Orders shall be executed. I have a number of questions of certain efforts.

Aid to Mexico:

- Have you identified all direct and indirect aid or assistance to the Government of Mexico? Can you provide us with the report that was scheduled to be completed by the first of April?

Answer: The Department of Homeland Security has identified all DHS-provided direct and indirect aid or assistance to the Government of Mexico for fiscal year 2012 to fiscal year 2016. DHS submitted this information to the Department of State for inclusion in the government-wide report the Department of State prepared. In accordance with the Executive Order issued January 25, 2017, the Department of State delivered its report to the White House on March 27, 2017. DHS defers to the Department of State on questions regarding the report, including its release and availability of a copy.

Return of aliens to the country from which they entered:

- What is the status of implementing the INA directive to return aliens to contiguous countries from which they entered....in this case returning aliens to Mexico even if they are not Mexican?

Answer: Section 7 of the Executive Order directs the Secretary of Homeland Security to take all appropriate action to ensure that aliens described in Section 235(b)(2)(C) of the INA (8 U.S.C. § 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

The Department of Homeland Security (DHS) and the Government of Mexico are currently holding discussions to determine whether an agreement can be reached to have third country nationals remain in Mexico pending their removal proceedings, in accordance with U.S. § 235(b)(2)(C). DHS agreed with Mexico that implementation of such a program would only be done with the full consent and participation of the Mexican Government. U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and the Department of Justice's Executive Office for Immigration Review have collaborated to develop an implementation strategy for the establishment of immigration court hearings at or near ports of entry should an agreement with Mexico be reached. Through these collaborative efforts, CBP identified two pilot locations and two options for immigration port court operations. The first option consists of establishing a video teleconference system that will allow immigration judges to remotely hear cases. The second option consists of having immigration judges physically present at the port court.

CBP is determining whether a regulation is necessary to implement this section.

Appropriate use of parole:

- What is the status of final regulations clarifying the appropriate use of parole power and how DHS will change existing parole guidance?

Answer: Executive Order 13767 (82 FR 8793) establishes "the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens." The Executive Order directs the Secretary of Homeland Security to "take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the

statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.” Pursuant to the Order, I have directed a review of existing uses of parole authority. Some initial changes are in the works. For example, USCIS is assessing, and considering changes to, its recent “international entrepreneur” final rule (82 FR 5238, Jan. 17, 2017) in light of section 11 of the Executive Order. On July 11, 2017, DHS published a final rule delaying the effective date of all but one provision of the January 17 final rule until March 14, 2018. This delay is intended to give the department time to receive public comment on a proposal to rescind the January 17 rule pursuant to the Executive Order. The review of parole programs generally remains ongoing. Any resultant changes to regulations and/or guidance would be consistent with the Executive Order and applicable statutory requirements.

Reclassification of a UAC if the minor is placed with a parent:

- How are you changing the identification and processing of UACs? Will you remove the classification of an alien minor as a “UAC” if the minor is placed with a parent? If so, how does this impact the alien minor?

Answer: The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 provides the statutory definition of an unaccompanied alien child (UAC), and outlines the processing of all UACs. U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) identifies a minor as a UAC when they meet the statutory definition as outlined, and places all UACs in section 240 removal proceedings under the Immigration and Nationality Act (INA), in accordance with the TVPRA.

The TVPRA defines an unaccompanied alien child as a minor who has no lawful immigration status, has not attained 18 years of age, and has no parent or legal guardian in the United States (or no parent or legal guardian in the United States who is available to provide care and physical custody). Although a juvenile who is in the care and physical custody of a parent or legal guardian no longer meets the statutory definition of a UAC, there is currently no national policy for re-designating UACs upon placement with a parent or legal guardian.

The designation of UAC is given to an alien child, if applicable, at the time of processing. The UAC designation remains part of the CBP records. The transfer of the UAC to the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS/ORR) and HHS/ORR’s subsequent placement of the

UAC with his or her parent or legal guardian does not change the CBP's initial UAC determination.

Prosecution of parents for smuggling minor children to the U.S.:

- What are you doing to ensure accountability measures to protect alien children from exploitation and prevent abuses of our immigration laws?
- Do you intend to prosecute parents for smuggling or trafficking activities because they paid smugglers to bring their children into this country?

Answer: Since 2014, the southwest border region has seen an unprecedented flow of UACs entering the United States, primarily from Central America. During their journey to the border, the children are exposed to extreme conditions and physical abuse where injury or death is a very real possibility. Over the past two years, the DHS has learned a great deal about how UACs are smuggled into the United States and who ultimately receives the UACs after they are transferred out of the custody of HHS/ORR. According to ORR data, since 2014 approximately 90 percent of all UACs are eventually turned over to a family member residing in the United States. Financial transaction data and ICE Homeland Security Investigations (HSI) investigative records reviewed by the DHS Human Smuggling Cell have further corroborated that parents of UACs encountered have engaged the services of Human Smuggling Organizations to bring their children to the United States.

During the last quarter of fiscal year (FY) 2016 and through the first quarter of FY 2017, there was a significant increase in the number of UACs encountered along the southwest border by U.S. Customs and Border Protection (CBP). Since the implementation of the EO on January 25, 2017, that number has decreased. On June 12, 2017 ICE initiated an operation focused on transnational criminal organizations engaged in the smuggling of UACs, with an emphasis on the human smuggling facilitators, including the parents and family members who initiated and/or funded the smuggling venture.

As of July 26, 2017 the UAC Human Smuggling initiative has resulted in 60 persons being presented to the U.S. Department of Justice for criminal prosecution, of which 10 have been accepted, 288 persons administratively arrested and placed into removal proceedings, and over 1,000 investigations initiated. The number of criminal and administrative arrests will increase as investigative leads and case are completed.

In FY 2016, ICE HSI's overall human smuggling investigative efforts resulted in 1,991 criminal arrests and 2,007 administrative arrests with the initiation of 2,110 investigations.

In order to protect UAC from exploitation and pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, ICE Enforcement and Removal Operations (ERO) officers and U.S Customs and Border Protection Agents are required to screen any newly encountered UACs, regardless of their citizenship or nationality, for potential trafficking indicators. If a UAC has been identified as a potential victim of trafficking, ICE ERO officers refer the case to ICE HSI for further investigation.

HSI is responsible for enforcing a wide range of crimes related to border security, including conducting domestic and international investigations on human trafficking. HSI utilizes all of its authorities and resources in a cohesive global enforcement response in order to dismantle the global criminal infrastructure engaged in human trafficking. HSI has developed a comprehensive strategy to combat these criminal organizations through coordination with non-governmental organizations and law enforcement, both domestically and internationally, in order to identify and provide services to trafficking victims and coordinate investigations.

ICE and its partners will undertake a unified approach to disrupt and dismantle human smuggling organizations (HSO) engaged in the smuggling of UACs. One aspect will focus on prosecuting each participant in the smuggling scheme, if possible, including the individuals who engaged the HSO's services.

Expansion of the 287(g) program to CBP:

- Do you intend to expand the 287(g) program to CBP? How will you implement the program at CBP?

Answer: Following the President's Executive Order on Border Security and Immigration Enforcement Improvements, I issued implementation guidance to the Department on February 20, 2017. As part of that guidance, and to maximize participation by state and local jurisdictions in the enforcement of federal immigration law near the southern border, I directed the Director of ICE and the Commissioner of CBP to engage immediately with all willing and qualified law enforcement jurisdictions that meet all program requirements for the purpose of entering into agreements under the 287(g) Program. CBP in addition to ICE has

my authorization to accept state services and take other actions as appropriate to carry out immigration enforcement pursuant to 287(g). Going forward, CBP and ICE should consider the operational functions and capabilities of the jurisdictions willing to enter into 287(g) agreements and structure such agreements in a manner that employs the most effective enforcement model for that jurisdiction, including the jail enforcement model, task force officer model, or joint jail enforcement-task force officer model. Note that DHS will only partner with fully vetted jurisdictions, and this includes a review of civil rights complaints against the jurisdiction.

To strengthen the 287(g) Program, ICE field leadership has begun examining local operational needs and liaising with potential 287(g) partners and will collaborate with CBP in these efforts. Existing 287(g) applications are also undergoing an expedited review process. To support the training needed for existing and new 287(g) partners, ICE is updating its 287(g) training curriculum. Further details on CBP's participation in the 287(g) Program are still being developed at this time.

Cuts to FEMA Grants

Background: FEMA's FY18 request reduces funding for FEMA grants and training by \$919 million below FY17. The largest reductions are to the State Homeland Security Grant Program (\$117.6 million), Urban Area Security Initiative (\$156.2 million), and Emergency Management Performance Grants (\$70.7 million). In addition, funding is altogether eliminated for flood mapping (\$177.5 million), the National Domestic Preparedness Consortium (\$101 million), the Emergency Food and Shelter Program (\$120 million), and continuing training grants (\$8 million). FEMA's budget justification materials provide little insight into the rationale behind these cuts and what, if any, actions FEMA plans to take to mitigate the impact of these reductions.

Question: Secretary Kelly, the FY18 budget cuts funding for FEMA grants and training by \$919 million, with little explanation.

- How will DHS continue to ensure resilience—a key pillar of the Department's mission—while absorbing such large reductions? Is there a strategy to ensure national preparedness capabilities are sustained?

Answer: Reductions are consistent with the President's budget priorities to be prepared for emergency response and disaster recovery while eliminating funding for programs to ensure the Federal Government is not supplanting other

stakeholders' responsibilities. Preparedness is a shared responsibility between federal, state, and local governments. Since 2002, the Federal Government has allocated more than \$45 billion in grants to support state and local preparedness investments. Those funds have been put to good use to greatly expand preparedness capabilities.

The federal government should now focus on ensuring that sufficient funding is provided to address any remaining capability gaps. It is time for state and local governments to contribute more toward their own preparedness needs, including maintenance and overtime/personnel costs, so the federal costs can be reduced. Beyond the \$1.9 billion that the Department is requesting for grants to support homeland security officials, emergency managers, and first responders, FEMA and the Department continues to support responders and sustain capabilities through direct support activities including, but not limited to technical assistance, training, and exercises.

Question: Since its creation in 2003, DHS has awarded over \$40 billion in grants to state, local, and tribal recipients, but still struggles to effectively measure how these grants have made us more prepared as a nation.

- To what extent are these cuts informed by assessments of national preparedness? Do you have metrics to show that the current funding level for grants is unnecessary?

Answer: Preparedness is a shared responsibility and grantees should fund those activities that demonstrate the greatest return on security investments. States, tribes, territories and urban areas will need to prioritize the \$1.9 billion in FY 2018 funding toward gaps identified and assessed in the National Preparedness Report as well as their State Preparedness Reports/Threat, Hazard Identification and Risk Assessments (THIRAs).

FEMA Grant – Cost Match Requirement

Background: The DHS FY18 budget proposes establishing a 25% non-federal cost match for FEMA preparedness grants. The rationale provided for this requirement is that the “activities and acquisitions funded through these grant programs are primarily State and local functions.” However, many state and local grant recipients do not have the resources to support this new requirement and it is

unclear how it would be implemented – including whether state and local entities would lose grant funding altogether if unable to fund the 25% cost match.

Question: The FY18 budget proposes establishing a 25 percent non-federal cost match for all FEMA preparedness grants. It's my understanding that many grant recipients do not have the funding to support this new requirement.

- How will this be implemented? Will grant recipients lose all federal grant funding if they are unable to provide the matching funds?
- Has DHS reached out to state and local grant recipients to understand the impacts of this new requirement?

Answer: The details of implementing a cost share for the State Homeland Security Grant Program, the Urban Area Security Initiative and Transit Security Grant are still being developed. FEMA anticipates the cost share requirements will be implemented consistent with the Agency's existing cost share arrangements. FEMA has existing cost share arrangements for the Emergency Management Performance Grants (EMPG) and the Port Security Grant Program (PSGP). The EMPG requires a 50 percent cost match – there are no waiver provisions. However, the 25 percent cost match for PSGP includes a statutory waiver provision. FEMA will waive the cost match if the grant recipient can prove financial hardship. FEMA anticipates including a similar waiver provision for those programs for which a new cost share requirement is imposed.

DHS/FEMA regularly works with grant recipients to understand the impacts of new requirements, including the proposed cost share requirement. We do this through routine meetings, workshops and conferences with stakeholders, including this year's National Homeland Security Conference in Buffalo, New York, which includes representatives from Urban Area Security Initiative (UASI) jurisdictions State Administrative Agencies, ports and transit agencies across the nation. DHS/FEMA will continue to solicit feedback from whole community stakeholders to implement this and other requirements as necessary.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John Culberson

The Honorable John F. Kelly, Secretary
Department of Homeland Security
Committee on Appropriations
Subcommittee on Homeland Security
The DHS FY 18 Budget Request
May 24, 2017

Incomplete Fingerprint Database

Background: Last fall, a troubling report was released by the DHS Inspector General which highlighted that the fingerprint database which aliens are checked against was incomplete.

According to the IG, this incomplete database led to at least 858 individuals from countries of concern being granted U.S. citizenship, despite the fact these individuals lied about having alternate identities, made fraudulent statements and concealed important information from adjudicators. These individuals had been ordered deported or removed under their alternate identities. Even more concerning, the IG reported that some of these individuals went on to hold security clearances and one worked in Law Enforcement.

The IG report highlighted that only a few of these individuals have been investigated by DHS. Of those investigated, DHS only referred 28 cases to the Department of Justice for revocation proceedings and ICE decided to administratively close another 90 cases.

Question:

- Can you please update the committee on the work being done to update the database? When do you anticipate the database will be complete?
- Under your leadership, does DHS plan to investigate all of the remaining individuals identified in the IG report and any other individual that obtained naturalization through fraud or concealment?

- Does DHS plan to refer each of these cases to DOJ for revocation proceedings? If no, why not?

Answer: In June 2017, U.S. Immigration and Customs Enforcement (ICE) completed the review of alien files and updates to the fingerprint database referenced in the Office of Inspector General (OIG) report titled “Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records” (OIG-16-130). Since the OIG recommendation encompassed a subset of all possible files that could be reviewed, reviews of additional files and corresponding updates to the fingerprint database have been initiated.

Of the individuals identified in the OIG report, ICE’s Homeland Security Investigations (HSI), working jointly with U.S. Citizenship and Immigration Services (USCIS), and others initiated Operation Second Look, which prioritized cases that would be suitable for criminal prosecution. Through Operation Second Look, ICE HSI identified individual cases deemed suitable for criminal prosecution and forwarded these leads to ICE HSI field offices to present to their respective U.S. Attorney’s Offices. Cases declined for criminal prosecution have been and will continue to be transferred to USCIS to be prepared and referred to the Department of Justice (DOJ) for civil denaturalization.

With regard to the two groups of individuals identified in the OIG report who may have obtained naturalization unlawfully, USCIS has completed its initial review of each case and intends to refer all appropriate cases to DOJ for possible civil denaturalization. Moreover, as additional fingerprint records become available, USCIS will perform the same review and, as appropriate, referral, for any other individuals identified as possibly having obtained citizenship or other benefits unlawfully.

Release of Dangerous Aliens

Background: For many years the full-committee has included an amendment of mine, which was adopted in a bipartisan fashion. Yet, somehow the provision has always been removed from the final bill. My amendment offered in prior years is simple — it would have prevented DHS from releasing from detention any alien who was engaged in, or suspected of terrorism or espionage; convicted of an offense for which an element was active participation in a criminal street gang; convicted of an offense classified as a felony in the convicting jurisdiction;

convicted of an "aggravated felony; convicted of three or more misdemeanor offenses, other than minor traffic offenses; convicted of a "significant misdemeanor," including sexual abuse or exploitation, burglary, un-lawful possession or use of a firearm, drug trafficking, or driving under the influence.

Question:

- Under your leadership, is it now the policy of the Department to hold aliens like those described above in detention until they are removed? If not, what is your policy for deciding whether an alien may be released from custody?

Answer: Yes, in accordance with the President's Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*, the categories of aliens described in your question are all cases that are priorities for detention and removal from the United States. These individuals would be detained until removal absent exigent circumstances such as serious medical issues, judicial stay orders, immigration judge-ordered bonds, or if there is no significant likelihood of removal in the reasonably foreseeable future, which is the standard set by the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), to avoid prolonged, indefinite detention.

Physical Grid Security

Background: The FY17 enacted appropriations bill encouraged DHS to ensure that that the Department is not only focused on Cyber threats, but also physical threats to critical infrastructure such as the electric grid. Events such as the sniper attack on Pacific Gas and Electric Company's Metcalf Transmission Substation located in Coyote, California highlight this threat. As you know, if a large portion of the grid were to be taken offline for an extended period of time, chaos would ensue. We would lose access to banking, lighting, traffic signals, refrigeration, and many communications services.

Question:

- Please describe and explain the plan within NPPD to help bring DHS together with industry stakeholders to secure the electric grid and other critical infrastructure from physical threats.

Answer: The Department of Homeland Security (DHS) supports the security and resilience of the electric grid and other critical infrastructure through the public private partnership for risk management established in the National Infrastructure Protection Plan (NIPP). The current National Infrastructure Protection Plan: *Partnering for Critical Infrastructure Security and Resilience* provides strategic direction for the national effort in the coming years through coordinated and flexible implementation by Federal departments and agencies—in collaboration with state, local, tribal, territorial, and private sector partners, as appropriate. Under the framework of the NIPP, NPPD works in close partnership with the federal sector specific agencies assigned responsibilities for each of the 16 critical infrastructure sectors, as well as infrastructure stakeholders across state, local, tribal, and territorial governments and the private sector. Our efforts to support industry stakeholders in securing the electric grid and other critical infrastructure against cyber and physical risk includes a wide range of actions and efforts. A selection of these activities is described below.

DHS, through NPPD, provides direct technical support by conducting, at no cost, vulnerability assessments through our protective security advisors. These assessments allow us to directly support our partners at the field, state, and regional levels as they work to make risk-informed decisions about their most critical assets and systems. In addition to these vulnerability assessments, the Federal Protective Service conducts facility security assessments for government facilities. These assessments include identification of the cyber vulnerabilities of the industrial controls systems for the facilities.

Nationally, NPPD convenes infrastructure sector partners, and particularly supports the Electricity Subsector Coordinating Council (ESCC) with our partners at the Department of Energy (DOE). The ESCC includes the senior leadership of electric companies across the country and is recognized as a model for effectively engaging private leaders in securing our nation's infrastructure. The ESCC regularly convenes to discuss emerging threats and successful risk mitigation techniques and to collaborate on analytic and strategic efforts.

DHS and DOE are co-leading an assessment of the readiness of the U.S. to manage the consequences of a prolonged power outage caused by a significant cyber event, pursuant to Executive Order 13800 on cybersecurity. Pursuant to section 1913 of the National Defense Authorization Act, NPPD is also supporting the development of a strategic document addressing the threat of electromagnetic pulse weapons, with a particular focus on potential vulnerabilities and solutions for the electric grid. DHS, working with interagency and international partners, recently

supported the completion of a Joint U.S./Canada Grid Security and Resilience Strategy, as well as its accompanying action plan. Working with the interagency, DHS continues to monitor and conduct actions to support this strategy and plan.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Steven Palazzo

The Honorable John F. Kelly, Secretary
Department of Homeland Security
Committee on Appropriations
Subcommittee on Homeland Security
The DHS FY 18 Budget Request
May 24, 2017

Coast Guard Icebreakers

Background: Last week the president, while at the Coast Guard Graduation, mentioned that new icebreakers were a big part of his plan to modernize our coast guard, yet the budget request doesn't include any money in either the Navy or the Coast Guard for long lead time materials to get this project underway. While there is 19 million in the budget that is barely a drop in the bucket and I am having some trouble reconciling the lack of funding for getting this project underway with the President's message last week.

Question:

- Can you reconcile the president's remarks with the budget request?

Answer: The President's comments on May 17, 2017 at the Coast Guard Academy reflect the Administration's commitment to these national strategic assets. As the President stated "we will be building the first new heavy icebreakers the United States has seen in over 40 years."

In support of the strategy developed jointly between the Coast Guard and Navy through an Integrated Program Office, \$25 million was appropriated in the Homeland Security budget along with \$150 million in the Defense budget for FY 2017. Funds appropriated to the Department of Homeland Security are supporting pre-acquisition and developmental efforts, while funds appropriated to Defense are for Advance Procurement (Detail Design and Long-Lead Time Material). Funding appropriated in FY 2017 along with the \$19 million requested in FY 2018, supports release of a Request for Proposal (RFP) in FY 2018, and award of a contract for

Detail Design. The Coast Guard will continue working with the Administration and Congress as to how best to fund construction costs of the Polar Icebreakers.

Utilization of National Guard for Border Security

Background: In the past I have been a vocal supporter of utilizing the National Guard as supplementary border security force, capable of surging during times of need. Over the past 15+ years of war my brothers and sisters in the National Guard have proven to be a professional force capable of answering the call.

Question:

- What level of consideration has been given to the role of the National Guard in Border Security?

Answer: CBP has engaged with the National Guard to support Border Security efforts for more than 10 years.

On May 15, 2006 President Bush announced Operation Jump Start, an immediate, short-term, national security effort designed to strengthen border security.

Operation Jump Start was conducted from 2006-2008, with an operational pause during 2009, followed by a downsizing of the mission and re-deployment in 2010 under Operation Phalanx, as requested at that time by DHS Secretary Napolitano. Operation Phalanx has generally trended downward in its force structure signature/flight hour profile over time, sourced by volunteer National Guard troops, on Title 32 orders approved by the Secretary of Defense. Since 2010, Congress has authorized this mission through targeted defense authorization language, within the Department of Defense (DoD) budget.

In Calendar Year (CY) 2015, Operation Phalanx support included rotary-wing aerial surveillance assets sourced from National Guard Security & Support Battalions, with UH-72 Lakota aircraft equipped with forward-looking infrared detection capability in Texas and Arizona (up to 7,700 total flight hours in support of U.S. Border Patrol) and criminal intelligence analysts in California, Arizona, Texas, and New Mexico (25 total analysts in support of ICE-HSI). The Army National Guard was tasked by DoD to provide this support, at a cost of \$38 million to DoD. This funding model provided for one battalion of capability, distributed within Arizona and Texas, in steady-state across the calendar year.

Of note, CY 2016 was the first year in the operation's history wherein Congress appropriated funding for this initiative. In June 2016, due to a surge in migration along the Southwest Border and concerns regarding increasing flows of Special Interest Aliens in the hemisphere, Secretary Johnson submitted a supplemental request to Secretary of Defense for an additional 1,975 flight hours.

Recently, DoD has requested that CBP/USBP begin to utilize the method, Leveraging Military Training (LMT), as defined in a 2013 Secretary of Defense memorandum, "Leveraging Military Training for Incidental Support to Civil Authorities," in which the Secretary stipulates that Title 10, U.S.C., section 371 requires that "the needs of civilian law enforcement officials for information shall, to the maximum extent practicable, be taken into account in the planning and execution of military training or operations.

Flood Risk Mapping Program

Background: The President's budget cuts the flood risk mapping program to zero, suggesting that the program should be released from FEMA and transferred to the NFIP program and funded through an increase in fees.

Question:

- Can you elaborate on the logic behind disrupting a program that is already under serious criticism for being 25 billion in debt and the time it is taking to make sure these maps are up to date?

Answer: Currently, the RiskMAP program is funded partially through National Flood Insurance Program (NFIP) policyholders, and partially through taxpayer dollars. The Budget proposes to shift the program so that it is supported wholly through policyholders. This will allow for the costs of generating new mapping data to be paid by the policyholders who use it. The Budget proposes a new surcharge to policyholders to support this change, and funding generated through this surcharge is expected to match current levels by Fiscal Year 2019. By offsetting the costs of the program through a surcharge, this proposal will not add to the NFIP's debt. FEMA continues to explore opportunities with the Technical Mapping Advisory Council to streamline the flood mapping process and timeline.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Dan Newhouse

The Honorable John F. Kelly, Secretary
Department of Homeland Security
 Committee on Appropriations
 Subcommittee on Homeland Security
The DHS FY 18 Budget Request
 May 24, 2017

Rural Community Violent Crimes

Background: In my community, we are seeing an uptick in violent crimes potentially related to gangs. In Yakima, Washington the Mayor just reported their ninth homicide of the year, and we are only in late May. In 2016, Yakima County recorded their highest number of homicides since 2013, with 24 in the county and 12 in Yakima. Our citizens are worried that given this current trend, we sadly could come close to doubling last year's sobering numbers.

Question:

- What is the Department of Homeland Security (DHS) doing for our communities to stave off the upticks in potential gang-related violent crime?
- Besides grants from DHS and the Department of Justice (DOJ), what other programs do the Agencies have to help local governments immediately address these potential violent upticks in crime and homicide?
- Are there plans at DHS and DOJ to review and further streamline the coordination with local governments and authorities to monitor and mitigate potential gang related activities?

Answer: In 2005, U.S. Immigration and Customs Enforcement (ICE) initiated Operation Community Shield (OCS), an international law enforcement initiative that combines ICE's expansive statutory and civil enforcement authorities to combat the growth and proliferation of transnational criminal street gangs, prison

gangs, and outlaw motorcycle gangs throughout the United States, including in Yakima, Washington.

In FY 2017, all ICE domestic field offices increased the personnel assigned to gang investigations, including ICE Seattle, which covers Yakima. ICE enjoys a strong partnership with Yakima Police Department (YPD) in the gang enforcement arena. ICE assigns one of its Special Agents to the YPD gang unit and YPD assigns one of its gang detectives to ICE in Yakima.

ICE also has a productive relationship with the Yakima County Jail, which ensures that identified gang members are transferred to ICE custody upon their release from local custody. Unfortunately, not all law enforcement agencies in the state of Washington enjoy such a relationship with ICE and some do not allow ICE to identify gangs within their jails or provide notification to ICE prior to their scheduled release from local custody. When gang members are released to the street rather than detained by ICE and subsequently removed from the country, they are able to continue their criminal activities.

Within the Department of Homeland Security, the Federal Law Enforcement Training Centers (FLETC) assists local governments to address potential violent upticks in crime and homicide by providing low cost and no cost training to our state, local and tribal law enforcement partners in support of their law enforcement mission. In helping equip our state, local, and tribal partners to combat criminal activity – including homicide – FLETC delivers training to State, local, and tribal law enforcement in residential and export formats in topics such as advanced law enforcement interviewing, drug law enforcement training, and seizing digital evidence.

In addition, ICE's OCS is the primary platform through which ICE executes its anti-gang initiatives, including Specialized Urban Response – Gang Enforcement (SURGE) operations. On an annual basis ICE initiates SURGE operations, during which ICE Special Agents and federal, state, local, tribal and international anti-gang law enforcement partners combine legal authorities to identify, arrest, investigate, prosecute – and where applicable – immediately remove gang members from our neighborhoods and ultimately from the United States, including Sureño and Norteño gang members operating in the greater Yakima, Washington-area.

ICE's Contraband Smuggling and Gang Unit (CSGU) supports the ICE mission to identify, disrupt, and dismantle significant Transnational Criminal Organizations and criminal street gangs through the management of key border enforcement,

narcotics, contraband smuggling, and public safety programs. CSGU regularly communicates with ICE domestic field offices to maintain visibility and awareness of the constantly evolving threats posed by transnational criminal street gangs. As such, CSGU is able to facilitate and transmit the gang threat picture to our partners at the Department of Justice.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Scott Taylor

The Honorable John F. Kelly, Secretary
Department of Homeland Security
 Committee on Appropriations
 Subcommittee on Homeland Security
The DHS FY 18 Budget Request
 May 24, 2017

TSA

Background: The GAO just released a report on DHS compliance w/FITARA and the standout data point is that their CIO did not participate (which they are supposed to do so they can be held accountable) in the approval of ANY of the 48 major investments GAO sampled. Furthermore, the CIO has more or less been edged out of the risk ratings that are published on the IT dashboard. Taken together, I think this tees up a reasonable question around how DHS leadership has any idea whether its investments are succeeding and/or using commercial technology.

Question:

- Secretary Kelly, as information technology (IT) becomes more and more critical to DHS's ability to execute its mission, how are you ensuring that DHS's major investments are delivering value commensurate with their costs? The GAO just reported that the DHS CIO is not being appropriately involved in the approval or monitoring of major IT investments, without that involvement how do you plan to hold people accountable for the results of DHS's IT spending?

Answer: A primary goal within the Office of the Chief Information Officer (OCIO) is to ensure that IT programs are delivering value as intended. The Department has policies and procedures in place to assist and govern investments through the Need, Analyze/Select, Obtain, and Produce/Deploy/Support life cycle phases. The Department analyzes and validates the investments' Mission Needs Statements (MNS), Acquisition Program Baselines (APB), OMB Business Cases, and Operational Analyses (OA), to ensure that the proper technologies and systems

are being delivered at the best value. Cost-benefits, alternatives analyses, and returns-on-investment (ROI) are all reviewed annually. The Chief Information Officer (CIO) oversees the program health assessment of every major IT program to ensure requirements are being met, objectives are aligned, risks are being mitigated, and that there is no potential breach of cost or schedule baselines and that beach of cost and schedule baselines is unlikely. The CIO is a member of the Acquisition Review Boards (ARBs), Executive Steering Committees (ESCs), and program reviews. Under the CIO, the Office of the Chief Technology Officer (OCTO) ensures that the best solutions are being implemented effectively; the Enterprise Architecture (EA) division ensures that the proper IT architectures are being designed, purchased, and implemented. The CIO works closely with other Offices within the Management Directorate including the Office of Program Accountability and Risk Management (PARM), as well as the Science and Technology (S&T) Directorate. The CIO also works closely with the CIOs of each Component to ensure the alignment of Department and Component objectives.

The Government Accountability Office (GAO) found that the CIO did not review 48 IT related contracts in the GAO's sample associated with major investments. However, through the Information Technology Acquisition Review (ITAR) process, the OCIO reviews IT-related contracts \$2.5 million and above. This information is communicated to Executive Leadership in OCIO. Contracts valued at \$2.5 million and below are reviewed by Senior Leadership at the Components.

Based on GAO's recommendation with respect to the CIO not reviewing the 48 IT-related contracts associated with major investments in their sample, DHS agreed to have the CIO and/or appropriate delegate review the materials supporting a significant portion of the IT-related contracts and agreements (associated with major and non-major investments). The DHS CIO will approve acquisitions funded by a major investment.

Background: TSA use of technology and preparedness

Question:

- Last year the traveling public faced long wait times at our nation's airports due to several factors including TSA not having enough screeners at the airports. TSA submitted several reprogramming requests to hire additional officers and accommodate passenger growth. With the summer holiday season here, is TSA ready for the start of the summer travel period?

- What is TSA doing to enhance its technology at the checkpoint and how is the agency working with industry to better integrate its technology in a timelier manner?
- TSA could be considered the federal agency which the public interfaces with most frequently. I understand TSA has been working tirelessly in creating its social media program and is the only federal agency to set up a program to answer questions from the public in real time 365 days a year. Can you share more about this program?

Answer: Yes, TSA has prepared for the start of the summer travel period, typically marked by the Memorial Day holiday weekend and continuing through Labor Day. More than 2,000 additional TSA officers will be working this year compared to last year.

Record numbers of passengers are expected at airports this summer, with peak travel periods of 2.5 million passengers occurring in June and July, including the Fourth of July weekend. Memorial Day 2017 was already a great success for TSA. Nationwide, more than 94 percent of passengers waited less than 15 minutes to go through security during the holiday travel period, and on May 26, the beginning of the Memorial Day weekend, TSA screened 2.53 million passengers – the seventh busiest day of all time.

Last year, TSA established the TSA Airport Operations Center (AOC). The center tracks daily screening operations, rapidly addresses any issues that arise, and deploys personnel, canine teams and technology where needed. In coordination with airport and airline partners, TSA aims to maintain effective and efficient security operations at checkpoints nationwide during the busy travel season. The AOC's hours of operation will be extended throughout the summer to ensure a healthy operational posture.

TSA continues to team with vendors and airlines to develop and deploy innovative technologies at checkpoints and uses the TSA Innovation Task Force (ITF) demonstrations to identify and demonstrate emerging solutions. These demonstrations provide industry with increased access to operational data while allowing vendors to better define and quickly mature solutions to meet TSA's evolving needs. Earlier access to operational data leads to better defined requirements, improving the maturity of technologies prior to entering the TSA acquisition process. These demonstrations can help to reduce vendor delays due to expensive rework and allows vendors to deliver capabilities sooner.

Through the ITF, TSA is currently demonstrating Automated Screening Lanes (ASL), which improve the screening of travelers by allowing travelers to move more swiftly and efficiently through screening checkpoints. At present, 67 ASLs are deployed to 5 airports around the country:

- Hartsfield–Jackson Atlanta International Airport (ATL): 22
- Los Angeles International Airport (LAX): 10
- O'Hare International Airport (ORD): 5
- Newark Liberty International Airport (EWR): 17
- John F. Kennedy International Airport (JFK): 13

These lanes are state-of-the-art in advancing security effectiveness, increasing efficiency, and improving the passenger experience. ITF is currently demonstrating computed tomography (CT) technology at Phoenix Sky Harbor International Airport (PHX) and Logan International Airport (BOS) which is a next generation carry-on baggage screening capability and also Biometric Authentication Technology, in the coming weeks which validates passenger identity through fingerprints.

Additionally, TSA is in the process of developing a system architecture, which allows TSA to proactively define future screening capabilities for the aviation system and ultimately enable an integrated, interoperable, and modularized aviation security screening system.

TSA has an award-winning social media program to include an Instagram (IG) account, which was named #4 on Rolling Stone's top 100 IG accounts list and recently named as one of the top 50 travel Instagram accounts by Travel and Leisure. Additionally, TSA launched a social media customer service program operating 365 days per year to address inquiries/concerns from the more than 2.2 million passengers traveling daily, working in partnership with private industry airlines and airports to improve the passenger's overall travel experience. By providing customer service through social media, TSA better prepares passengers and allows TSA officers to focus more time on counterterrorism efforts. Since the launch, *AskTSA* has responded to more than 225k inquiries from travelers. TSA expanded its social media presence to Facebook in July 2016 to reach a larger audience.

This program directly benefits passengers by assisting them before, during, and after their travel experience as they make their way through the intricacies of air travel in the United States. By providing passengers direct access to TSA employees, questions about policies, restrictions, and other travel-related topics are answered in real-time, as the customer needs the information. This can range from something simple, such as what items are allowed on airplanes, to more complex queries about TSA Pre✓[®] and interactions with the airlines. This leads to less frustration for the customer and a better overall travel experience. The program also directly benefits TSA by monitoring concerns of the traveling public, allowing leadership to address operational issues more rapidly.

The impact of this program is that it: (a) provides customer service in real-time and serves as a conduit between the passenger, TSA, airports and airlines; (b) impacts the TSA as a whole as it has softened the image of the agency and improved the overall public perception; (c) provides the ability to manage customer-facing issues by reporting large scale events and issues that are trending in real-time to the TSA policy-decision makers, allowing for policy changes to better serve all passengers; and (d) addresses passenger issues that may have gone viral on social media or become top media stories by communicating directly with the passenger and putting them in contact with a TSA manager to discuss the situation and take corrective action. Through providing timely information, great customer service, and useful interactions with the American people, *AskTSA* will reduce the stress of travel, and will improve the overall experience of those using the program.

TSA aims to be a model for other government agencies who wish to help their customers through similar customer service models. The team developed a roadmap on how it developed and launched the program. The team has shared the roadmap and policy with multiple government agencies, as well as lessons learned and best practices. In addition, TSA hosted the first-ever Social Care in Government Roundtable with presentations by Twitter and Digital Transformation experts with more than 15 government agencies in attendance.

Customs and Border Patrol

Background: Customs and Border Patrol's (CBP) uniform manufacturing and production

Question:

- It has been brought to my attention that CBP's uniforms are manufactured in El Salvador and Honduras in facilities with limited security. What would it take to move the production of these uniforms into the U.S., and how much of a cost difference would this be in doing so?

Answer: CBP's acceptance of uniform items manufactured in countries other than the United States is consistent with current federal law and regulations. Specifically, CBP's procurement of uniforms is subject to the "Kissell Amendment", which is codified at 6 U.S.C. § 453b. While that statute ostensibly restricts DHS from using its appropriated funds to purchase textiles from other than domestic (i.e., American) sources, see 6 U.S.C. § 453b(a), Congress explicitly mandated that the Kissell Amendment "shall be applied in a manner consistent with United States obligations under international agreements." 6 U.S.C. § 453b(k). As such, consistent with the Trade Agreements Act (TAA), uniform items produced in TAA-covered countries were given equal consideration with domestic uniform items.

A transition to the U.S. would require the current uniform vendor to locate a U.S. manufacturer, secure a subcontract, and build up the necessary inventory of uniforms and uniform items. This would likely result in an increase in the costs for these uniform items. Any transition to a U.S. manufacturer without a transition timeline could jeopardize CBP's ability to ensure its new hires are appropriately outfitted for frontline operations after graduation from the CBP Academies or provide existing officers and agent's replacement uniforms. This, in turn, could be detrimental to CBP's broader recruiting and retention efforts, as well as mission execution, both of which are critical to the successful accomplishment of CBP's mission and the security of the United States.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Lucille Roybal-Allard

The Honorable John F. Kelly, Secretary
Department of Homeland Security
 Committee on Appropriations
 Subcommittee on Homeland Security
The DHS FY 18 Budget Request
 May 24, 2017

St. Elizabeths

Question:

- Please provide an updated cost estimate and schedule for the St Elizabeths Headquarters Consolidation Enhanced Plan, assuming:
 - At least a two-year delay in completion of the Enhanced Plan; and
 - At least a three-year delay in completion of the Enhanced Plan.
- Please estimate changes in lease costs for FEMA, ICE, and CBP for fiscal year 2018 through fiscal year 2024, assuming:
 - At least a two-year delay in completion of the Enhanced Plan;
 - At least a three-year delay in completion of the Enhanced Plan; and
 - No additional investment in the Enhanced Plan.

Answer: In light of the FY 2017 Consolidated Appropriations Act, and the FY 2018 President's Budget request, DHS and GSA are in the process of evaluating the impacts that the Appropriations and Budget processes may have on the St Elizabeths Headquarters Consolidation Enhanced Plan.

With respect to estimating changes in lease costs for FEMA, ICE, and CBP for fiscal year 2018 through fiscal year 2024, calculation of these cost impacts will require analysis of approximately 65 existing leases/occupancy agreements and consultation with GSA on viability/cost impacts for short-term lease extensions.

Credible Fear Determinations

Question:

- How have the standards for USCIS credible fear and reasonable fear determinations changed as a result of Executive Order 13767?
- Please provide data for the last two fiscal years and for fiscal year 2017 to-date on the numbers of positive and negative determinations issued by USCIS for credible fear and reasonable fear, differentiated by applicant nationality.

Answer: The substantive standard for credible fear is set out by statute and regulation, and that for reasonable fear is set out by regulation. These substantive standards, therefore, can only be changed by statute and/or regulation, respectively. The credible fear standard remains that the applicant must show a significant possibility that he or she could establish eligibility for asylum or withholding of removal. However, in response to the issuance of the implementation memos, USCIS harmonized the standard for determining credibility for credible fear screenings with that required to establish credibility in an asylum adjudication. Prior to this harmonization, USCIS had maintained a longstanding policy, established in 1997 by legacy INS, of requiring that an alien being screened for credible fear need only establish a significant possibility of being found credible in a full merits hearing on his or her asylum claim. This prior policy was not required by statute or regulation, and USCIS has now adopted a new policy to apply the more demanding standard for determining credibility that governs full-blown asylum adjudications under the REAL ID Act. The substantive standard for reasonable fear is higher than that for credible fear, and remains that an alien must establish a reasonable possibility that he or she would be persecuted or tortured in the country of removal. The 1997 INS policy on credibility determinations for credible fear was never applied to the reasonable fear screening program. The requirements for credibility determinations in reasonable fear screenings were not modified and remain consistent with what is required to establish credibility in the adjudication of asylum claims.

The following tables display credible and reasonable fear statistics.

Table 1 – Credible Fear Statistics

FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
NATIONALITY	CREDIBLE FEAR		NATIONALITY	CREDIBLE FEAR		NATIONALITY	CREDIBLE FEAR	
	FOUND	NOT FND		FOUND	NOT FND		FOUND	NOT FND
AFGHANISTAN	26	2	AFGHANISTAN	32	1	AFGHANISTAN	14	2
ALBANIA	66	4	ALBANIA	95	4	ALBANIA	28	6
ALGERIA	3	0	ALGERIA	2	0	ANGOLA	6	0
ANGOLA	28	1	ANGOLA	7	0	ARGENTINA	11	3
ARGENTINA	6	2	ARGENTINA	8	2	ARMENIA	86	1
ARMENIA	166	3	ARMENIA	225	2	AUSTRALIA	3	2
AUSTRALIA	1	0	AUSTRALIA	3	1	AUSTRIA	0	1
AZERBAIJAN	1	0	AZERBAIJAN	2	0	BAHAMAS	1	1
BAHAMAS	3	1	BAHAMAS	3	0	BAHRAIN	1	0
BANGLADESH	334	17	BANGLADESH	585	17	BANGLADESH	699	29
BELARUS	2	0	BELARUS	7	0	BELARUS	8	0
BELGIUM	0	0	BELIZE	29	6	BELIZE	23	2
BELIZE	25	1	BENIN	5	0	BENIN	5	0
BENIN	5	2	BOLIVIA	9	2	BOLIVIA	18	5
BOLIVIA	9	1	BRAZIL	842	115	BOSNIA-HERZ.	1	0
BRAZIL	733	121	BULGARIA	2	1	BRAZIL	219	57
BURKINA FASO	7	0	BURKINA FASO	38	5	BULGARIA	1	3
BURMA	2	0	BURMA	7	1	BURKINA FASO	18	2
BURUNDI	2	0	BURUNDI	2	0	BURMA	9	0
CAMBODIA	1	0	CAMEROON	398	12	BURUNDI	5	0
CAMEROON	254	5	CANADA	1	2	CAMBODIA	1	0
CANADA	0	1	CENTRAL AFRICAN REP	1	0	CAMEROON	161	3
CHAD	1	0	CHAD	3	0	CANADA	0	2
CHILE	3	2	CHILE	3	0	CENTRAL AFRICAN REP	2	0
CHINA	1,171	72	CHINA	2,291	80	CHAD	0	1
COLOMBIA	117	23	COLOMBIA	191	47	CHILE	1	0
CONGO	39	2	CONGO	22	3	CHINA	1,085	93
COSTA RICA	10	3	COSTA RICA	17	8	COLOMBIA	161	40
COTE D' IVORE	10	4	COTE D' IVORE	20	5	CONGO	13	0
CUBA	611	71	CUBA	1	0	COSTA RICA	12	11
CZECHOSLOVAKIA	1	0	DEM REP CONGO	14	0	COTE D' IVORE	7	1
DEM REP CONGO	20	1	DJIBOUTI	3	0	CUBA	3	0
DJIBOUTI	4	0	DOMINICA	74	7	DEM REP CONGO	3	0
DOMINICA	38	3	DOMINICAN REP	324	38	DOMINICA	75	6

FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
	CREDIBLE FEAR			CREDIBLE FEAR			CREDIBLE FEAR	
NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND
DOMINICAN REP	49	6	ECUADOR	1,633	191	DOMINICAN REP	158	23
ECUADOR	854	110	EGYPT	29	0	ECUADOR	1,338	221
EGYPT	20	2	EL SALVADOR	27,299	3,767	EGYPT	33	1
EL SALVADOR	13,910	1,940	EQUATORIAL GUINEA	0	1	EL SALVADOR	10,271	2,980
EQUATORIAL GUINEA	3	0	ERITREA	304	5	ERITREA	203	1
ERITREA	413	5	ETHIOPIA	100	6	ETHIOPIA	157	0
ETHIOPIA	38	1	FRANCE	1	1	GEORGIA	12	0
FRANCE	3	1	GEORGIA	13	1	GERMANY	1	0
GABON	1	0	GERMANY	3	0	GHANA	348	33
GEORGIA	8	0	GHANA	483	39	GUATEMALA	4,230	1,240
GERMANY	1	0	GUATEMALA	9,293	1,504	GUINEA	37	5
GHANA	111	12	GUINEA	134	6	GUINEA-BISSAU	2	0
GUATEMALA	6,201	1,173	GUINEA-BISSAU	2	0	GUYANA	1	0
GUINEA	171	5	GUYANA	1	0	HAITI	65	111
GUINEA-BISSAU	1	0	HAITI	287	153	HONDURAS	5,719	1,069
GUYANA	0	2	HONDURAS	16,569	1,702	INDIA	1,708	100
HAITI	2,715	1,098	INDIA	3,146	109	INDONESIA	1	0
HONDURAS	10,189	1,040	INDONESIA	4	0	IRAN	24	0
HUNGARY	0	0	IRAN	17	1	IRAQ	59	0
INDIA	1,750	43	IRAQ	21	1	ITALY	2	1
IRAN	11	0	IRELAND	2	2	JAMAICA	17	5
IRAQ	15	3	ISRAEL	3	1	JORDAN	1	0
IRELAND	1	0	ITALY	4	0	KAZAKHSTAN	0	1
ISRAEL	0	2	JAMAICA	28	7	KENYA	5	0
ITALY	0	1	JORDAN	7	5	KOSOVO	2	0
JAMAICA	13	3	KAZAKHSTAN	2	0	KUWAIT	1	2
JORDAN	13	1	KENYA	8	0	KYRGYZSTAN	1	0
KENYA	2	0	KIRIBATI	1	0	LAOS	1	0
KOSOVO	49	0	KOSOVO	14	2	LEBANON	8	2
KYRGYZSTAN	2	0	KUWAIT	2	0	LIBERIA	1	1
LEBANON	3	1	KYRGYZSTAN	1	1	LITHUANIA	1	0
LIBERIA	1	0	LEBANON	4	0	MACEDONIA	4	0
LITHUANIA	0	0	LIBERIA	4	1	MALAYSIA	1	1
MACEDONIA	5	1	LIBYA	1	0	MALI	3	0
MALAWI	0	0	LITHUANIA	1	0	MAURITANIA	1	0
MALI	13	4	MACEDONIA	6	2	MEXICO	4,204	1,587
MAURITANIA	4	0	MALAYSIA	1	0	MOLDOVA	5	0

FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
	CREDIBLE FEAR			CREDIBLE FEAR			CREDIBLE FEAR	
NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND
MEXICO	1,848	348	MALI	14	9	MONGOLIA	1	0
MOLDOVA	5	0	MAURITANIA	2	0	MOROCCO	2	0
MONGOLIA	4	0	MAURITIUS	1	0	NAMIBIA	1	0
MOROCCO	1	0	MEXICO	4,893	1,209	NEPAL	431	42
NEPAL	436	6	MOLDOVA	3	0	NETHERLANDS	1	0
NICARAGUA	401	39	MONGOLIA	3	0	NICARAGUA	383	70
NIGER	28	6	MOROCCO	2	0	NIGER	91	11
NIGERIA	71	4	MOZAMBIQUE	1	0	NIGERIA	64	5
PAKISTAN	212	21	NEPAL	654	29	PAKISTAN	169	9
PANAMA	10	1	NICARAGUA	555	57	PANAMA	1	2
PARAGUAY	2	0	NIGER	100	13	PARAGUAY	1	0
PERU	177	32	NIGERIA	47	0	PERU	204	61
PHILIPPINES	1	0	PAKISTAN	326	22	PHILIPPINES	1	0
POLAND	0	0	PANAMA	4	1	ROMANIA	159	11
QATAR	0	0	PARAGUAY	3	0	RUSSIA	42	5
ROMANIA	192	6	PERU	268	52	RWANDA	5	0
RUSSIA	70	1	PHILIPPINES	1	0	SAUDI ARABIA	1	0
RWANDA	3	0	POLAND	1	0	SENEGAL	14	14
SAUDI ARABIA	2	1	ROMANIA	202	9	SIERRA LEONE	4	2
SENEGAL	50	18	RUSSIA	70	3	SOMALIA	637	37
SIERRA LEONE	22	2	RWANDA	4	0	SOUTH AFRICA	1	0
SLOVAKIA	0	1	SAMOA	0	1	SOUTH KOREA	0	2
SOMALIA	144	7	SAUDI ARABIA	1	0	SPAIN	1	1
SOUTH AFRICA	1	0	SENEGAL	84	79	SRI LANKA	117	4
SOUTH KOREA	1	0	SIERRA LEONE	14	2	ST. LUCIA	2	0
SPAIN	1	0	SINGAPORE	0	1	STATELESS	8	0
SRI LANKA	29	3	SOMALIA	363	24	SUDAN	10	0
STATELESS	6	3	SOUTH AFRICA	3	1	SWAZILAND	2	0
SUDAN	18	1	SPAIN	5	0	SYRIA	70	0
SWAZILAND	1	0	SRI LANKA	58	2	TAIWAN	1	0
SYRIA	73	3	STATELESS	17	1	TAJIKISTAN	4	4
TAJIKISTAN	2	0	SUDAN	9	1	THE GAMBIA	6	1
TANZANIA	1	0	SWAZILAND	1	0	TOGO	15	3
THE GAMBIA	33	1	SYRIA	101	1	TRINIDAD AND	3	0
TOGO	23	3	TAJIKISTAN	10	0	TUNISIA	2	0
TUNISIA	1	0	TANZANIA	4	0	TURKEY	37	4
TRINIDAD AND	1	1	THE GAMBIA	19	3	UGANDA	5	0
TURKEY	34	1	TOGO	41	3	UKRAINE	63	11

FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
	CREDIBLE FEAR			CREDIBLE FEAR			CREDIBLE FEAR	
NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND
TURKMENISTAN	1	0	TRINIDAD AND TOBAGO	1	0	UNKNOWN	13	3
UGANDA	7	0	TUNISIA	3	0	UZBEKISTAN	6	0
UKRAINE	78	3	TURKEY	61	1	VENEZUELA	60	8
UNITED ARAB E	0	0	UGANDA	7	0	VIETNAM	1	0
UNITED KINGDOM	0	0	UKRAINE	69	7	YEMEN	3	0
UNKNOWN	11	1	UNITED KINGDOM	2	0	ZIMBABWE	3	0
URUGUAY	1	0	UNKNOWN	16	2	TOTAL:	33,950	7,965
UZBEKISTAN	16	0	URUGUAY	1	1			
VENEZUELA	133	10	UZBEKISTAN	11	0			
VIETNAM	23	2	VENEZUELA	202	14			
YEMEN	6	0	VIETNAM	2	3			
YUGOSLAVIA	4	1	YEMEN	8	1			
ZIMBABWE	4	0	ZIMBABWE	7	1			
TOTAL:	44,457	6,323	TOTAL:	72,968	9,420			

Table 2 – Reasonable Fear Statistics

USCIS ASYLUM DIVISION								
REASONABLE FEAR								
FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
	REASONABLE FEAR			REASONABLE FEAR			REASONABLE FEAR	
NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND
ALBANIA	1	0	ALBANIA	0	1	ALBANIA	1	1
ANTIGUA-BARBU	1	0	ARMENIA	0	1	ANTIGUA-BARBUDA	0	1
ARGENTINA	2	2	BANGLADESH	0	1	ARGENTINA	0	1
ARMENIA	0	1	BARBADOS	0	1	ARMENIA	1	2
AUSTRALIA	0	1	BELIZE	7	5	BAHAMAS	2	1
BAHAMAS	2	1	BOLIVIA	1	2	BANGLADESH	0	2
BANGLADESH	0	1	BRAZIL	53	50	BELIZE	6	4
BELIZE	1	1	CANADA	0	1	BOLIVIA	2	1
BOLIVIA	1	1	CHILE	0	1	BRAZIL	28	26
BRAZIL	32	29	CHINA	4	4	BULGARIA	2	0
BULGARIA	0	0	COLOMBIA	14	15	BURUNDI	0	1
CANADA	0	1	COSTA RICA	0	3	CHINA	10	5
CHINA	7	2	CUBA	2	1	COLOMBIA	10	17
COLOMBIA	9	11	CZECHOSLOVAKIA	0	1	COSTA RICA	2	2
COSTA RICA	1	1	DOMINICA	6	4	CUBA	1	0

USCIS ASYLUM DIVISION								
REASONABLE FEAR								
FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
	REASONABLE FEAR			REASONABLE FEAR			REASONABLE FEAR	
NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND
CUBA	4	3	DOMINICAN REP	11	6	DOMINICA	6	4
DOMINICA	3	2	ECUADOR	44	20	DOMINICAN REP	10	7
DOMINICAN REP	4	3	EGYPT	2	0	ECUADOR	54	39
ECUADOR	21	17	EL SALVADOR	872	847	EL SALVADOR	611	776
EGYPT	2	0	GHANA	2	1	EQUATORIAL GUINEA	1	0
EL SALVADOR	573	561	GUATEMALA	550	537	FIJI	0	1
ETHIOPIA	1	0	GUINEA	1	0	GERMANY	0	1
GERMANY	0	0	GUYANA	1	1	GHANA	0	1
GHANA	1	0	HAITI	3	6	GUATEMALA	544	488
GRENADA	0	0	HONDURAS	729	620	GUYANA	3	0
GUATEMALA	400	442	INDIA	8	6	HAITI	3	3
GUYANA	2	2	INDONESIA	1	0	HONDURAS	591	567
HAITI	3	5	JAMAICA	22	3	HUNGARY	1	0
HONDURAS	496	510	JORDAN	0	1	INDIA	4	3
INDIA	5	2	KOSOVO	2	0	IRAN	1	0
JAMAICA	17	7	LEBANON	1	0	ISRAEL	1	0
KENYA	0	1	MACEDONIA	1	0	JAMAICA	34	11
MACEDONIA	1	0	MEXICO	598	921	JORDAN	1	0
MALI	1	0	MOLDOVA	1	1	LEBANON	1	2
MAURITANIA	1	0	MOROCCO	1	0	LIBERIA	1	1
MEXICO	454	594	NICARAGUA	34	15	MACEDONIA	2	0
MONTENEGRO	1	0	NIGER	2	1	MALI	1	0
MOLDOVA	0	1	NIGERIA	2	0	MEXICO	657	1,111
NICARAGUA	28	24	PAKISTAN	1	0	MICRONESIA	1	0
PANAMA	1	0	PERU	18	7	MOLDOVA	1	1
PERU	5	7	PHILIPPINES	1	0	MONTENEGRO	1	0
PHILIPPINES	1	0	POLAND	0	1	MOROCCO	1	0
POLAND	0	0	ROMANIA	10	2	NETHERLANDS	1	0
ROMANIA	8	0	RUSSIA	1	0	NICARAGUA	35	23
SOUTH KOREA	0	0	SENEGAL	0	2	NIGER	2	3
SRI LANKA	1	0	SERBIA AND MONTENEGRO	0	1	NIGERIA	1	1
SYRIA	0	0	SOUTH KOREA	1	0	PAKISTAN	2	0
TAJIKISTAN	1	0	SRI LANKA	0	1	PERU	14	5
TRINIDAD AND	1	0	TAJIKISTAN	1	0	PHILIPPINES	1	1
TURKEY	1	0	TANZANIA	1	0	POLAND	1	0
UKRAINE	3	0	THAILAND	0	1	PORTUGAL	0	1
UNKNOWN	1	0	TURKEY	2	1	ROMANIA	3	0
VENEZUELA	4	1	UKRAINE	3	0	RUSSIA	1	0

USCIS ASYLUM DIVISION								
REASONABLE FEAR								
FISCAL YEAR 2017 through May			FISCAL YEAR 2016			FISCAL YEAR 2015		
REASONABLE FEAR			REASONABLE FEAR			REASONABLE FEAR		
NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND	NATIONALITY	FOUND	NOT FND
TOTAL:	2,102	2,234	UNKNOWN	0	2	SENEGAL	1	1
			URUGUAY	0	1	SIERRA LEONE	2	0
			UZBEKISTAN	1	0	SOMALIA	1	0
			VENEZUELA	7	0	ST. KITTS-NEV	1	0
			VIETNAM	0	1	STATELESS	1	0
			ZAMBIA	1	0	SYRIA	1	0
			ZIMBABWE	1	0	TAJIKISTAN	0	1
			TOTAL:	3,024	3,097	TRINIDAD AND TOBAGO	3	1
						TURKEY	1	2
						UKRAINE	0	1
						UNKNOWN	1	0
						UZBEKISTAN	1	0
						VENEZUELA	6	4
						TOTAL:	2,676	3,124

GAO High Risk List

Question:

- Please describe the Department's progress in addressing management challenges identified by GAO as part of its High Risk List, along with plans for continued improvements in fiscal year 2018 and future years.

Answer: The Department works in partnership with GAO to strengthen management functions and address five GAO criteria for High-Risk List removal and 30 DHS-specific outcomes that were mutually agreed upon by GAO and DHS. DHS is currently one of only four entities on the High-Risk List to have met a majority (three) of GAO's five criteria for removal, and has "fully addressed" or "mostly addressed" 70 percent (21 of 30) of the outcomes as of 2017: a significant improvement compared to 47 percent (14 of 30) in 2015 and 26 percent (8 of 31) in 2013.

Since 2011, DHS has provided GAO with biannual updates to its *Integrated Strategy for High-Risk Management*, which GAO points to as a best

practice. GAO has also commended DHS's leadership for demonstrating exemplary commitment and support for addressing High-Risk List issues and characterizes the consistent senior-level engagement between DHS and GAO officials as a model for other agencies. That level of engagement and commitment continues. The Department will issue its next *Integrated Strategy* in September 2017, in keeping with recent legislation requiring that it be provided to GAO every six months.

Vacant Leadership Positions

Question:

- Please identify all senior leadership positions across the Department, differentiated by component, appointed positions, and career positions, that are currently vacant or filled only in an acting capacity.

Answer: The table below displays vacant leadership positions across the Department as of July 18, 2017.

COMPONENT	STATUS	POSITION	PAY PLAN	POSITION DESIGNATION (APPLIES TO ONLY SES)	ACTING (Y/N)
CBP	VACANT	Director, Joint Field Commander, West	ES	Career Reserved	N
CBP	VACANT	Deputy Joint Field Commander, Arizona	ES	Career Reserved	N
CBP	VACANT	Chief of Staff	ES	General - Can be either political or career	Y
CBP	VACANT	Executive Director, Privacy and Diversity	ES	Career Reserved	Y
CBP	VACANT	Senior Advisor for Trade	ES	General - Can be either political or career	Y
CBP	VACANT	Deputy Assistant Commissioner, Office of Professional Responsibility	ES	Career Reserved	N
CBP	VACANT	Executive Assistant Commissioner, Operations Support	ES	Career Reserved	Y
CBP	VACANT	Deputy Executive Assistant Commissioner, Operations Support	ES	Career Reserved	Y
CBP	VACANT	Senior Intelligence Advisor	ES	Career Reserved	N
CBP	VACANT	Assistant Commissioner, Finance, Chief Financial Officer	ES	Career Reserved	Y
CBP	VACANT	Deputy Assistant Commissioner, Finance/Deputy Chief Financial Officer	ES	Career Reserved	N
CBP	VACANT	Executive Director, Financial Operations	ES	Career Reserved	Y
CBP	VACANT	Executive Director, Procurement	ES	Career Reserved	Y
CBP	VACANT	Deputy Asst. Commissioner, Information & Technology	ES	Career Reserved	Y
CBP	VACANT	Executive Director, Wireless Systems Program	ES	Career Reserved	Y
CBP	VACANT	Executive Director, Border Enforcement and Management Systems	ES	Career Reserved	Y
CBP	VACANT	Executive Director, Field Support	ES	Career Reserved	Y

COMPONENT	STATUS	POSITION	PAY PLAN	POSITION DESIGNATION (APPLIES TO ONLY SES)	ACTING (Y/N)
CBP	VACANT	Executive Director, Enterprise Networks & Technology Support	ES	Career Reserved	Y
CBP	VACANT	Executive Director, Operations	ES	Career Reserved	Y
CBP	VACANT	Director, Field Operations (San Juan)	ES	Career Reserved	Y
CBP	VACANT	Port Director (Buffalo)	ES	Career Reserved	Y
CBP	VACANT	Port Director (Calexico, CA)	ES	Career Reserved	Y
CBP	VACANT	Executive Director, Program Management Office	ES	Career Reserved	Y
CBP	VACANT	Deputy Chief Patrol Agent (El Paso)	ES	Career Reserved	N
CBP	VACANT	Executive Assistant Commissioner, Air and Marine	ES	Career Reserved	Y
CIS	VACANT	Chief of Staff	ES	General - Can be either political or career	Y
CIS	VACANT	Senior Counselor to the Director, CIS	ES	General - Can be either political or career	N
CIS	VACANT	Coordinator, Immigration Reform	ES	General - Can be either political or career	N
CIS	VACANT	Deputy Chief Financial Officer	ES	Career Reserved	Y
CIS	VACANT	Chief Data Officer, Office of Performance and Quality	ES	Career Reserved	N
CIS	VACANT	Chief Technology Officer	ES	Career Reserved	N
CIS	VACANT	Chief, Office of Contracting	ES	Career Reserved	N
CIS	VACANT	Deputy Chief, Office of Policy and Strategy	ES	General - Can be either political or career	Y
CIS	VACANT	Deputy Associate Director, Immigration Records & Identity Services Division (IRIS)	ES	Career Reserved	N
CIS	VACANT	Chief, Verification Division	ES	Career Reserved	N
CIS	VACANT	Deputy Associate Director, Service Center Operations	ES	Career Reserved	Y
CIS	VACANT	Deputy Director, Potomac Service Center	ES	Career Reserved	N
CIS	VACANT	Regional Director, Southeast Region (Orlando, FL)	ES	Career Reserved	Y
CIS	VACANT	District Director, Field Services (Tampa, FL)	ES	Career Reserved	N
FEMA	VACANT	Director, External Affairs & Communications	ES	General - Can be either political or career	Y
FEMA	VACANT	Associate Administrator for Policy, Program Analysis & International Affairs	ES	General - Can be either political or career	Y
FEMA	VACANT	Chief Financial Officer	ES	Career Reserved	Y
FEMA	VACANT	Deputy Associate Administrator for Mission Support, Mission Support Bureau	ES	Career Reserved	Y
FEMA	VACANT	Deputy Chief Component Human Capital Officer	ES	Career Reserved	Y
FEMA	VACANT	Associate Administrator, Response and Recovery	ES	General - Can be either political or career	Y
FEMA	VACANT	National Incident Management Assistant Team Leader, East	ES	General - Can be either political or career	N
FEMA	VACANT	Senior Advisor, Protection & National Preparedness	ES	General - Can be either political or career	N
FEMA	VACANT	Director, National Integration Center	ES	General - Can be either political or career	Y
FEMA	VACANT	Associate Administrator, Federal Insurance & Mitigation Administration	ES	General - Can be either political or career	Y
FEMA	VACANT	Regional Administrator (Region I Boston)	ES	General - Can be either political or career	Y
FEMA	VACANT	Regional Administrator (Region II New York)	ES	General - Can be either political or career	Y

COMPONENT	STATUS	POSITION	PAY PLAN	POSITION DESIGNATION (APPLIES TO ONLY SES)	ACTING (Y/N)
FEMA	VACANT	Regional Administrator (Region V Chicago)	ES	General - Can be either political or career	Y
FEMA	VACANT	Regional Administrator (Region VII Kansas City)	ES	General - Can be either political or career	Y
FEMA	VACANT	Regional Administrator (Region VIII Denver)	ES	General - Can be either political or career	Y
FEMA	VACANT	Regional Administrator (Region X Seattle)	ES	General - Can be either political or career	Y
FEMA	VACANT	Deputy Regional Administrator (Region II New York)	ES	Career Reserved	N
I&A	VACANT	Chief, Information Sharing and Safeguarding Executive Staff	ES	General - Can be either political or career	N
I&A	VACANT	Deputy Under Secretary for Intelligence Operations	ES	General - Can be either political or career	N
I&A	VACANT	Director, Cyber Division	ES	Career Reserved	N
ICE	VACANT	Chief Financial Officer	ES	Career Reserved	Y
ICE	VACANT	Deputy Chief Financial Officer	ES	Career Reserved	Y
ICE	VACANT	Deputy Director, International Affairs	ES	Career Reserved	Y
ICE	VACANT	Assistant Director, Enforcement Division	ES	Career Reserved	Y
ICE	VACANT	Assistant Director, Operations Support, ERO	ES	Career Reserved	Y
ICE	VACANT	Deputy Assistant Director, Field Operations, ERO	ES	Career Reserved	Y
ICE	VACANT	Assistant Director, ICE Services Health Corps	ES	Career Reserved	Y
ICE	VACANT	Field Office Director, Philadelphia, PA, ERO	ES	Career Reserved	Y
ICE	VACANT	Field Office Director, Seattle, WA, ERO	ES	Career Reserved	Y
ICE	VACANT	Field Office Director, Denver, CO, ERO	ES	Career Reserved	Y
ICE	VACANT	Field Office Director, St. Paul, MN, ERO	ES	Career Reserved	Y
ICE	VACANT	Deputy Assistant Director, Homeland Security Investigative Services	ES	Career Reserved	Y
ICE	VACANT	Deputy Asst. Director, Domestic Operations	ES	Career Reserved	Y
ICE	VACANT	Deputy Assistant Director, Student and Exchange Visitor Program	ES	Career Reserved	Y
ICE	VACANT	Assistant Director, Homeland Security Investigations (Intellectual Property Rights Ctr)	ES	Career Reserved	Y
ICE	VACANT	Special Agent in Charge (Denver)	ES	Career Reserved	Y
ICE	VACANT	Special Agent in Charge (Detroit)	ES	Career Reserved	Y
ICE	VACANT	Special Agent in Charge (Tampa)	ES	Career Reserved	Y
ICE	VACANT	Special Agent in Charge (Baltimore)	ES	Career Reserved	Y
MGMT	VACANT	Director, Financial Assistance Policy and Oversight	ES	General - Can be either political or career	N
MGMT	VACANT	Director, Resources Management Transformation	ES	Career Reserved	N
MGMT	VACANT	Digital Services Executive Director (OPM-APPROVED ALLOCATION FOR TERM APPTS)	ES	General - Can be either political or career	N
MGMT	VACANT	Deputy Chief Procurement Officer	ES	Career Reserved	Y
NPPD	VACANT	Deputy Under Secretary for Cybersecurity and Communication	ES	General - Can be either political or career	Y

COMPONENT	STATUS	POSITION	PAY PLAN	POSITION DESIGNATION (APPLIES TO ONLY SES)	ACTING (Y/N)
NPPD	VACANT	Deputy Chief of Staff for Transition	ES	General - Can be either political or career	Y
NPPD	VACANT	Component Acquisition Executive	ES	Career Reserved	N
NPPD	VACANT	Assistant Secretary for Infrastructure Protection	ES	General - Can be either political or career	Y
NPPD	VACANT	Director, National Infrastructure Coordinating Center	ES	Career Reserved	N
NPPD	VACANT	Chief Technology Officer, CS&C	ES	Career Reserved	Y
NPPD	VACANT	Deputy Director, Mission Support (NCCIC)	ES	Career Reserved	Y
NPPD	VACANT	Deputy Director, Cyber Threat Detection and Analysis (NCCIC)	ES	Career Reserved	Y
NPPD	VACANT	Deputy Director, Office of Emergency Communications	ES	Career Reserved	Y
NPPD	VACANT	Director, Stakeholder Engagement & Cyber Infrastructure Resilience Division	ES	Career Reserved	Y
NPPD	VACANT	Assistant Director, Office of Training and Career Development (FPS)	ES	Career Reserved	N
OGC	VACANT	Deputy General Counsel	ES	General - Can be either political or career	N
OGC	VACANT	Counselor to the General Counsel	ES	General - Can be either political or career	N
OGC	VACANT	Deputy Associate General Counsel for General Law	ES	Career Reserved	N
OGC	VACANT	Associate General Counsel for Legal Counsel	ES	General - Can be either political or career	Y
OHA	VACANT	Director, Workforce Health and Medical Support/Deputy Chief Medical Officer	ES	Career Reserved	N
OS	VACANT	Chief Privacy Officer	ES	General - Can be either political or career	Y
OS	VACANT	Officer for Civil Rights and Civil Liberties (CRCL)	ES	General - Can be either political or career	Y
OS	VACANT	Deputy CRCL Officer, Programs & Compliance	ES	Career Reserved	N
OS	VACANT	Director, Compliance Branch	ES	Career Reserved	N
OS	VACANT	Assistant Secretary for Intergovernmental Affairs, Office of Partnership & Engagement (OPE)	ES	General - Can be either political or career	Y
OS	VACANT	Assistant Secretary for State & Local Law Enforcement (OPE)	ES	General - Can be either political or career	N
OS	VACANT	Deputy Assistant Secretary for Legislative Affairs (House Liaison)	ES	General - Can be either political or career	N
POLICY	VACANT	Principal Deputy Assistant Secretary for Policy	ES	General - Can be either political or career	N
POLICY	VACANT	Deputy Assistant Secretary for Law Enforcement Policy	ES	Career Reserved	N
POLICY	VACANT	Deputy Assistant Secretary for Resilience Policy	ES	Career Reserved	N
POLICY	VACANT	Deputy Assistant Secretary for Americas Policy	ES	Career Reserved	N
POLICY	VACANT	Assistant Secretary for Strategy, Planning, Analysis & Risk	ES	General - Can be either political or career	N
POLICY	VACANT	Deputy Assistant Secretary for Screening Coordination Office	ES	General - Can be either political or career	N
ST	VACANT	Chief of Staff	ES	General - Can be either political or career	N
ST	VACANT	Director, Test and Evaluation	ES	Career Reserved	N
ST	VACANT	Director, Office of National Laboratories	ES	General - Can be either political or career	N
USSS	VACANT	Deputy Assistant Director, Government and Public Affairs	ES	Career Reserved	N

COMPONENT	STATUS	POSITION	PAY PLAN	POSITION DESIGNATION (APPLIES TO ONLY SES)	ACTING (Y/N)
USSS	VACANT	Deputy Assistant Director, Office of the Chief Information Officer	ES	Career Reserved	N
USSS	VACANT	Assistant Director, Strategic Intelligence & Information	ES	Career Reserved	Y
USSS	VACANT	Deputy Special Agent in Charge (Vice Pres. Protective Division)	ES	Career Reserved	N
USSS	VACANT	Special Agent in Charge (Dignitary Protective Division)	ES	Career Reserved	Y

USCIS Donation Authority

Question:

- How does USCIS plan to use authority provided in Sec. 404(c) of the Department of Homeland Security Appropriations Act, 2017, related to the acceptance of donations for citizenship and immigrant integration programs?

Answer: USCIS is in the process of reviewing the statute and developing its policy. The Acting Director will consider how to implement the provision in the most effective and appropriate manner possible.

U.S. Secret Service Protection of Persons and Facilities

Background: Under 18 U.S.C. § 3056 (a), the U.S. Secret Service is charged with the protection of the President, Vice President, their families, former presidents, major presidential and vice-presidential candidates within 120 days of a general election, visiting heads of foreign states, U.S. representatives traveling on special missions abroad, along with the physical security of the White House and Vice President's residence. The U.S. Secret Service must also secure the personal residences of the President and Vice-President.

Due to the unique challenges presented by the current First Family's multiple residences, frequent overseas travel, and sheer number of protectees, there has been increased interest by Congress, the public and the media surrounding the cost associated with the protection of our First Family.

Question:

- Has the Service experienced an increase in protection costs or operational tempo in carrying out its duties to protect the president and first family in comparison to past administrations? If so, what are the major causes for the increase in costs and operational tempo?

Answer: The Administration has only been in office for a period of approximately four months so it is difficult to draw accurate comparisons at the present time concerning the relative operational tempos between Administrations. However, President Trump has a larger family than President Obama so the operational tempo specifically for the First Family may increase due to an increased number of family members, regardless of whether the President and/or First Lady travel more or less frequently than other Presidents and First Ladies. To illustrate this point, the number of protectees covered by the Presidential Protective Division increased from eight people under the Obama Administration to 21 people under the Trump Administration. Further, it is also important to examine other factors (e.g., Vice President Pence has a small family while Vice President Biden had a large family) when comparing the relative operational tempos between specific Administrations. Nevertheless, the general trend since 1990 is an increasing operational tempo, and the Secret Service expects this trend will continue.

- Has the Service appropriately addressed the impact of the increased operational requirements in its FY 18 budget request? Will there be any unmet needs in FY 18?

Answer: Notwithstanding the \$102 million reduction from the FY 2017 enacted budget due to reduced 2016 Presidential campaign requirements, the FY 2018 budget request supports the Secret Service's highest priority needs and adequately funds the agency's staffing requirements at 7,150 personnel, permanent change of station costs, travel and New York protective operations.

- The presidential and first family protection assignments in New York City are currently augmented by temporary duty personnel. What is the long-term plan to reduce the number of personnel and the associated costs of supporting the mission with temporary duty personnel?

Answer: The Secret Service continues to assess the long-term staffing requirements for President Trump's family members residing in New York City. Although the First Lady and youngest son have moved to Washington, DC, the Secret Service continues to have protectees who reside and work in New York. In addition, the Secret Service must continue to provide appropriate security measures

for the President's residence, even if the President or other protectees utilize the residence on an occasional basis, and safeguard the various technical and security equipment installed in the residence. This is consistent with past practices for protecting the residences of Presidents while they are in office.

Currently, the Secret Service has transitioned 68 special agents from the Office of Investigations to the Presidential Protection Division (PPD).

Additionally, the Secret Service has offered long-term temporary duty (TDY) assignments to PPD personnel. These assignments anticipated to be up to 18-24 months long. Five special agents are currently entering into the long-term TDY program, along with two GS-14 supervisory special agents.

The Secret Service routinely evaluates its manpower requirements for protective assignments and will make appropriate adjustments as conditions change.

- What is the average length of assignment for temporary duty personnel assigned to the New York presidential and first family protection detail and what is the average cost per stay?
- What is the Service's long-term plan to address the increased staffing needs for the presidential and first family protection mission?

Answer: Secret Service personnel on short-term temporary duty (TDY) assignments are generally assigned to New York City for 14 days. The total cost for these short-term TDY assignments averages \$5,821.00 per employee, which includes transportation expenses, lodging, and per diem.

The Secret Service's initial assessment of staffing requirements for PPD yielded a projected increase of 112 special agents for the President's protective detail. To date, 68 special agents (out of 112) are currently being reassigned to PPD. The decision to transfer the remaining 44 special agents will be based a number of factors, including the rate of protectee travel, the location of protectee residences, and the number of protectees assigned to PPD.

The recently published Secret Service FY 2018 – FY 2025 Human Capital Strategic Plan outlines human capital goals, objectives, and staffing targets through FY 2025. These goals, objectives, and targets represent operational needs for the integrated mission overall, and do consider fluctuations (increases or decreases) in protective responsibilities.

- How has the increased operational requirements impacted the Service's retention or readiness?

Answer: Appropriate staffing levels are critical to success, not only in the protection element of the Secret Service's integrated mission, but also indirectly impacting the success of the investigative operations. Without sustainable numbers of special agents and Uniformed Division officers, achieving acceptable training levels is impossible, and morale suffers from extremely high levels of overtime work. The current increase in operational requirements has shown a direct correlation between extreme hours of overtime worked and the inability to maintain a healthy work-life balance. The two top reasons cited by separating employees is "inadequate numbers of persons to accomplish the work" and "too much forced overtime." A healthier workforce will provide a better work life balance that can break or even reverse the trend of increasing attrition.

USSS Travel Costs

Question:

- Please provide a table showing all funds expended by the Service for travel related to presidential and first family protection in 2016 through the present. Include the total costs (direct and indirect), identify any amounts paid to businesses in which the President had an ownership interest, and state whether the travel was for official business or personal travel.

Answer: The Secret Service provides uninterrupted protection for the President and first family, therefore the agency does not distinguish between official and personal protective travel. The table below shows all funds expended by the Secret Service for travel (direct and indirect) related to President Trump and first family protection for FY 2016 and FY 2017 as of June 12, 2017. The table includes travel costs incurred in FY 2016 for President Trump and first family when he was the Republican candidate/nominee for President.

	FY 2016 (Candidate/Nominee)	FY 2017
President Trump	\$15,634,108	\$20,917,160
Trump Family	\$370,754	\$5,366,108

Protective Mission Panel

Question:

- In 2014 a Protective Mission Panel provided 19 recommendations for the Service spanning hiring, retention, training, and leadership. Please provide an update on the Service's development of a recruitment and hiring process that will allow the Service to meet its hiring goals and state whether the Service will meet its FY 18 targets.

Answer: In FY 2017, the Secret Service is conducting 13 special agent classes and 12 Uniformed Division classes. As of early June 2017, there were 156 special agents still in training this year with 144 seats remaining before the end of the fiscal year. The Secret Service has hired 42 of the 144 into local field offices in advance of the upcoming training dates.

As of early June 2017, the Uniformed Division had 63 Uniformed Division officers in training with 184 remaining seats to fill before the end of the fiscal year. The Secret Service has hired 47 of the 184 into local field offices in advance of their upcoming training dates. As of early June 2017, the Secret Service graduated 219 special agent trainees and 193 Uniformed Division officers in FY 2017.

Although the agency's attrition remains high, the Secret Service anticipates that the retention strategies initiated in FY 2016 and FY 2017 and those continued or initiated in FY 2018 and beyond will begin reducing the projected attritions rates.

Noted in the PMP report was the need to replace several of our leadership positions with non-1811 personnel. The Secret Service has "professionalized" several of its key leadership positions, including the positions of Chief Operating Officer, Chief Human Resources Officer, Chief Technology Officer, Chief Strategy Officer, Chief Financial Officer, Deputy Chief Financial Officer, Chief Information Officer, Component Acquisition Executive; Chief Personnel Research Psychologist; Deputy Chief Strategy Officer; and Director of Communications.

- The Protective Mission Panel noted the need to address the Service's high level of attrition, which remains an ongoing challenge. Please describe what steps the Service has taken to reduce attrition.

Answer: Several retention programs have been implemented and funded: a student loan repayment program; a tuition reimbursement program; a child care

subsidy benefit; and expanded telework opportunities for certain occupations. The Secret Service is currently hiring in excess of its attrition for FY 2017 and has made modifications to streamline its hiring process and expects to reduce the time to on-board from 407 to 117 days. The direct result will be steady, sustainable growth of personnel, which will in turn allow a healthier work life balance for the work force.

- The Protective Mission Panel recommended the replacement of the White House outer fence and the review of the Service's technological footprint to ensure systems used to protect the White House perimeter remain cutting edge. As recent fence jumpers have shown, the White House and adjacent Department of Treasury perimeters remain vulnerable. Please provide an update on the timeline for the installation of the new White House fence and any plans to address the adjacent Department of Treasury's perimeter, which has served as an access point for one or more of the most recent fence jumpers.

Answer: With respect to the Protective Mission Panel's recommendation to immediately replace the existing White House perimeter fence, the Secret Service and National Park Service secured all approvals needed from the Commission on Fine Arts and the National Capital Planning Commission to construct the proposed new fence around the 18-acres of the White House. The Consolidated Appropriations Act, 2017, included the \$50 million to support construction of the new fence. The contract solicitation package is nearly complete and ready for advertisement. The Secret Service and National Park Service estimate that it will take six months to advertise and award. After contract award, site mobilization and off-site fence fabrication will take approximately six months.

The design and construction of the Treasury and Eisenhower Executive Office Building (EEOB) fences are not funded in FY 2017 and are not included in the President's Budget request for FY 2018. With respect to schedule and to provide some context for a project of this size and complexity, the design and approval process for the replacement fence around the 18-acres of the White House fence has taken over 2.5 years. Due to the increased number of stakeholders that will be involved in the design and approval processes for the Treasury and EEOB fences, it is possible that this process could take considerably longer than the approval process for the White House fence. With these different variables unknown at this time, the Secret Service is unable to provide a rough order of magnitude (ROM) cost estimate or a notional schedule for this project at this early stage.

USSS Criminal Investigations

Background: Under 18 U.S.C. § 3056 (b), the U.S. Secret Service is also charged with the detection, investigation and prevention of a full spectrum of financial crimes. A recent GAO report notes the number of cyber incidents directed at federal agencies has increased nearly 1,303 percent from 5,503 to 77,183 since 2006. Several of these data breaches have compromised the personally identifiable information of thousands of federal employees. In addition, the number of reported identity theft cases and ransomware attacks have continued to increase at an alarming rate.

Question:

- As identity theft, ransomware attacks and other cybercrimes continue to proliferate, please outline the Service's priorities in combating the evolving nature of financial crimes and discuss how the Service's priorities are addressed in the FY 18 budget request.

Answer: The Secret Service remains committed to countering the most significant criminal threats to the Nation's financial and payments systems. As you note, an unprecedented degree of transnational crime activity targeting U.S. citizens and businesses – including through identity theft, access device fraud, ransomware, and other illicit cyber activity – has emerged. It continues to be a priority for the Secret Service to develop the advanced technical capabilities and broad cooperation, both domestically and internationally, necessary for countering this growing threat.

The FY 2018 President's Budget provides for growth of Secret Service personnel and resources necessary for investigating and countering evolving criminal threats. Accordingly, this request addresses the most critical resource priority for investigating evolving criminal threats—skilled and experienced investigative personnel.

The FY 2018 Budget also supports the Secret Service's Financial Crimes and Electronic Crimes Task Forces (FCTFs and ECTFs), which bring together state and local law enforcement with the private sector and academia, for the shared purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

Based upon the funding levels in the FY 2018 President's Budget, DHS performance targets related to Secret Service investigations are for:

- Preventing \$2.1 billion in financial crime losses;
- Preventing \$650 million in potential fraud losses, from cybercrimes specifically;
- Responding to and mitigating 390 network intrusions; and,
- Recovering 500,000 financial accounts from cyber criminals.

Science and Technology Directorate Labs

Question: For the Science and Technology Directorate, the FY 2018 budget proposed several labs for closure.

- For each laboratory, please provide the location, year and cost of construction, and the annual operations funding for the last five fiscal years.
-

Answer: The FY 2018 budget proposes the closure of three Science and Technology Directorate labs. Detailed information regarding the location, year and cost of construction, and the annual operating costs are provided below.

Chemical Security Analysis Center (CSAC)

1. Location: Edgewood Area of Aberdeen Proving Ground, Aberdeen, MD
2. Cost of Construction: (established 2006 – completed 2010) \$5 million ¹
3. Annual Operations Costs (for last five FYs):

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
CSAC Operations	\$0.65M	\$0.65M	\$0.67M	\$0.70M	\$0.70M
CSAC DHS Salaries	\$0.25M	\$0.50M	\$0.50M	\$0.75M	\$1.2M ²

¹The total cost of the office building constructed by DoD was \$30 M, S&T supported the facility on a proportional basis, based on anticipated square footage dedicated to the CSAC.

²FY17 DHS Salaries is \$1.2M due to hiring up to the authorized staffing level. CSAC added four Federal employees bringing their staff to seven.

National Biodefense Analysis and Countermeasures Center (NBACC)

1. Location: Fort Detrick, Frederick, MD
2. Cost of Construction: (began 2008 – completed 2010) \$143 million
3. Annual Operations Costs (for last five FYs):

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
NBACC Operations	\$14.33M	\$38.86M	\$28.28M	\$31.46M	\$37.60M
NBACC DHS Salaries	\$0.42M	\$0.42M	\$0.42M	\$0.42M	\$0.42M
Garrison Costs (Ft. Detrick)	\$14.00M	\$14.00M	\$14.00M	\$14.00M	\$14.00M

National Urban Security Technology Laboratory (NUSTL)

1. Location: New York City, NY
2. Cost of Construction: (dates back to 1947; in 2012, NUSTL relocated within the 201 Varick Federal Office Building with a cost of \$2.4 million)*
3. Annual Operations Costs (for last five FYs):

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
NUSTL Operations	\$2.30M	\$2.27M	\$2.05M	\$2.32M	\$3.40M
NUSTL Salaries	\$3.53M	\$3.53M	\$3.53M	\$3.53M	\$3.53M

*NUSTL history dates to 1947 in New York City.

Federal Emergency Management Agency Flood Mapping

Question: The FY 2018 budget proposes eliminating discretionary funding for flood mapping and replacing it with revenue generated from a new surcharge imposed on flood insurance policy holders.

- Please provide estimates for total flood mapping expenditures under this proposal for fiscal years 2018, 2019, and 2020.
- If discretionary funding were eliminated, what would be the impact in terms of delays in re-mapping existing areas and mapping new areas?

Answer: If the legislative proposal for a new surcharge is adopted, the total for the RiskMAP program is projected to be at approximately \$203 million in FY 2018 President's Budget and estimated at \$346 million in FY 2019 and \$348 million in FY 2020. Please note that the \$203 million funding level for FY 2018 is a adjustment from what was presented in the FY 2018 Congressional Justification.

The new surcharge equates to a 41 percent reduction in budget authority the first year of the program. With \$50 million in surcharge collections estimated in FY 2018, RiskMAP is able to review and update mapping data for roughly 23,000 miles of inland flooding sources and support the assessment of nearly 100,000 miles of maps to determine if they met current standards. This level of effort would lead to a decrease of valid mapping miles from 2017 flood hazard data levels,

while allowing for some production of updated flood hazard data and provide for the continued implementation of statutory reforms and Technical Mapping Advisory Council recommendations. Please note that the mileage reported is a correction from what was presented in the FY 2018 Congressional Justification.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Nita Lowey

The Honorable John F. Kelly, Secretary
Department of Homeland Security
 Committee on Appropriations
 Subcommittee on Homeland Security
The DHS FY 18 Budget Request
 May 24, 2017

FEMA Grants

Background: Mr. Secretary, I was disappointed by the significant proposed cuts for FEMA preparedness grant programs. The UASI program, which helps the most at-risk urban areas, such as New York, prevent and prepare for terrorist attacks, would be cut by 26 percent, and the State Homeland Security Grant Program would be slashed by more than 25 percent. Overall, the FY18 budget proposes a cut of \$919 million to FEMA grant programs that help local law enforcement prevent and respond to terrorism and other disasters. To put that in perspective, you would cut vital funds to protect the top terror targets in the U.S. by 31 percent, which is equal to roughly half of what you are proposing to build a wall on the Mexican border that is not needed. State and local jurisdictions cannot effectively plan for, establish, and maintain their preparedness programs when support from their federal partner is inconsistent and subject to major deviations.

Question:

- Mr. Secretary, what was the impetus for proposing such drastic cuts to the grant programs?
- Is it based on any sort of analysis that our states, major urban areas, and other jurisdictions are well prepared for terrorist threats without federal assistance?

Answer: The proposed reductions are consistent with the President's budget priorities to stand prepared for emergency response and disaster recovery, eliminating funding for programs to ensure the Federal Government is not

supplanting other stakeholders' responsibilities. Preparedness is a shared responsibility between federal, state, and local governments. Since 2002, the Federal Government has allocated over \$45 billion in grants to support state, local, tribal, and territorial preparedness investments. Those funds have been put to good use to greatly expand preparedness capabilities; however, we have been unable to effectively measure the results of the investments. The Federal Government will continue to work with state, local, tribal and territorial governments to prioritize funding and technical assistance to address national capability gaps, and identify mechanisms to measure how grants have helped close capability gaps. Beyond the \$1.9 billion that the Department is requesting for grants to support homeland security officials, emergency managers, and first responders, FEMA and the Department continue to support responders and sustain capabilities through direct support activities including, but not limited to technical assistance, training, and exercises.

The proposed reductions are based on the lack of demonstrated results and prioritization of funding within a constrained budget environment. Preparedness is a shared responsibility and grantees should fund those activities that demonstrate the greatest return on security investments. States, tribes, territories and urban areas will need to prioritize the \$1.9 billion in FY 2018 funding toward gaps identified and assessed in the National Preparedness Report as well as their State Preparedness Reports/Threat, Hazard Identification and Risk Assessments (THIRAs).

Non-Profit Security Grants

Background: The wave of violent threats against Jewish Community Centers across the country was shocking and demonstrated that anti-Semitism and hatred continue to pose a threat. A bomb threat at the JCC of Tarrytown in my district engendered fear among my constituents that will last for a very long time. I cannot understand why the DHS budget proposes zero funding for the Non-profit Security Grant Program. Additionally, there are serious threats to non-profits outside the footprints of UASI areas that need assistance for additional protections. For example, I have many organizations on one side of the river in my district that are eligible for Non-Profit Security Grants; others just a few miles away on the other side of the river are not yet they face similar threats.

Question:

- What else is DHS doing to ensure that JCCs and other targeted non-profits are adequately protected, especially as we see anti-Semitic and other hate-motivated attacks on the rise?
- What steps are you taking to ensure that JCCs and non-profits outside of UASI areas that cannot avail themselves of the Non-Profit Security Grant Program are protected?

Answer: The Department of Homeland Security (DHS) has a number of resources to protect all American communities from the threat of ideologically based violence. The Nonprofit Security Grant Program (NSGP) is a competitive grant program that supports target hardening and physical security enhancements for nonprofit organizations that are at high risk of terrorist attacks. To be eligible for FY 2017 NSGP, nonprofit organizations must be located within one of the FY 2017 UASI-designated urban areas. The results of the risk assessment inform annual UASI eligibility and funding allocation decisions which also inform the eligibility and allocation decisions for NSGP.

Activities allowable under the NSGP are also allowable under both the UASI and State Homeland Security Program (SHSP). Nonprofit organizations not located within an eligible UASI, may apply for SHSP funds for similar activities through the State Administrative Agencies (SAAs). If SAAs, as the recipient of FEMA's Homeland Security Grant Program funding, have identified needs to protect nonprofit organizations, the SAAs can use a portion of their state-retained share of funds from SHSP to address those priorities.

Last April, FEMA sent a letter to the governors of each state advising that activities allowable under the Nonprofit Security Grant Program are also allowable under the Homeland Security Grant Program (HSGP), which includes the State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI). States that have prior year unobligated HSGP funds will be granted the maximum flexibility under the law and consistent with the terms and conditions of those awards to reprioritize or reprogram those funds to address this emerging threat. State Administrative Agencies (SAAs) may use unobligated funds from open grant years to address these additional security needs in consultation with their stakeholders and the Federal Emergency Management Agency (FEMA). Reprogrammed funding may be sub-awarded to organizations, such as Jewish Community Centers or other eligible nonprofit organizations, to enable them to enhance their security. This reprogrammed funding may also be sub-awarded to a

local law enforcement agency to provide protective security services in support of nonprofit organizations.

In addition, the DHS network of Protective Security Advisers can provide organizations with security assessments of their facilities to include low or no cost enhancements to facilities as well as connect them with local law enforcement resources. The Homeland Security Information Network (HSIN) is an information sharing portal for a variety of audiences to include local law enforcement and others to help be apprised of current homeland security threats.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE C.A. Dutch Ruppersberger

The Honorable John F. Kelly, Secretary

Department of Homeland Security

Committee on Appropriations

Subcommittee on Homeland Security

The DHS FY 18 Budget Request

May 24, 2017

Cybersecurity

Question: Regarding the FY18 budget request, more specifically cuts to the Science and Technology Directorate and the increases to the National Protection and Programs Directorate.

- With the Science and Technology Directorate taking a large cut, what is DHS going to do to protect the cyber budget within the S&T? In my opinion, this is one of the biggest high impact research and development areas that we have as a country.
- With the proposed increase in resources to NPPD, what is the department doing to identify and appoint key leaders to drive overall efficiency and effectiveness for the organization?

Answer: Ensuring our Federal Government's networks and cyber infrastructure are secure continues to be an important mission of DHS. Research and development to enhance the Department's security posture in this mission area will continue in FY 2018. S&T has excellent relationships with operational Components, including NPPD, other federal agencies, industry, and state and local governments that we will continue to develop and leverage going forward.

S&T's request for cyber security research and development is approximately \$46.2 million in FY 2018. Important work planned for FY18 includes projects to improve network security across the ".gov" domain, cybersecurity of mobile systems, cyber-physical systems security, support for law enforcement cyber forensics, and collaborative research with key critical infrastructure sectors.

R&D efforts are critical to maintaining threat awareness, delivering mitigation strategies, and creating novel technology and approaches for Components. As you know, S&T is the primary scientific advisor to the Secretary, and also performs extensive R&D across all of the Department's mission set.

To develop the budget request for FY 2018, S&T prioritized resources against the President's priorities, the Secretary's direction, and capability needs for DHS operational components. S&T's R&D work in FY 2018 will continue to be in close alignment with urgent needs of the Department and the Homeland Security Enterprise as a whole.

The Department is constantly looking for opportunities to drive overall efficiency and effectiveness. The budget request for the National Protection and Programs Directorate is proposing a range of programmatic adjustments to implement measures to increase operational efficiency and eliminate duplication or unnecessary programmatic expenses. These include US-CERT efficiency, Office of Infrastructure Protection facilities efficiency, process improvements efficiencies, training contract efficiencies, partnership engagement efficiencies, purchase card efficiencies, and other operational efficiencies.

A critical part of ensuring efficiency and effectiveness within NPPD is maintaining effective civil service managers. The Department works closely with all Components to ensure that operations have key leaders in place, specifically through centralized management of the Senior Executive Service (SES) and Senior Leaders/Senior Technical (SL/ST) positions. The Department recently allocated five additional SES and nine additional SL/ST allocations to NPPD based on growing and emerging operational demands.

The Department is also looking more long-term at its leadership pipeline and encouraging components to use the Office of Personnel Management's (OPM), Presidential Management Fellows (PMF) Program to hire and develop future leaders. NPPD is using the PMF program to broaden the leadership pool. DHS is currently coordinating with the OPM PMF Program Office to test a new approach that identifies talented students from graduate programs aligned to the DHS mission.

We remain aggressively focused on recruiting new and diverse skill sets and key leaders into the organization. Recruiting and retaining the right personnel,

including the key leaders, drives the overall effectiveness and efficiency of the organizational performance.

Question: I have heard from several private sector users of the Automated Indicator Sharing program that there is "NO RED MEAT" – meaning the information is less helpful to them than what they receive from other sources (either from company to company agreements or groups like the Cyber Threat Alliance).

- What is DHS doing to specifically address these concerns from the private sector?
- What is the strategy going forward to further incentivize and increase private sector participation in information sharing with the government?

Answer: The Department is constantly looking at ways to improve the quantity and quality of information. Among other efforts, we seek initial feedback from each entity connected to the automated indicator sharing (AIS) capability 90 days after establishing a connection to better understand how entities are using the capability (are they sharing further to a customer base or implementing internally in a novel manner), quality of information shared, obstacles to finalizing the AIS connection, costs associated with establishing the connection, how individual entities recommend measuring the value of cyber threat indicators and defensive measures, and recommended changes to the data fields. Through these feedback engagements with connected entities, the Department has received positive notes on the high quality and number of low-false positives found in the AIS data as compared to several commercial feeds. In addition, a recent threat feed study found that indicators often show up in the AIS feed several months ahead of some commercial feeds. Finally, through these feedback sessions, DHS also learned from one organization that the AIS indicators were useful for them in hunting for an advanced persistent threat actor that had been targeting their company.

The Cybersecurity Act of 2015 incentivized information sharing by providing liability protections for entities, thus removing key legal impediments to information sharing. To further increase participation, DHS has established a prioritized list of private sector entities to be engaged for participation in the AIS capability. DHS is prioritizing engagement with Information Sharing and Analysis Centers, entities where a cyberattack could cause the greatest consequences, and cybersecurity service providers. By working with these entities, DHS is better able to assist them with overcoming technical, resource, and cultural impediments to

participating in AIS. DHS also believes that as the data volume and quality in AIS increases, companies not actively participating in or sharing through AIS will be incentivized to join.

Port Security

Background: Secretary Kelly, the President's Budget allows for more than \$300 million to assist Customs and Border Protection (CBP) staff up, however it is unclear where those agents will be allocated.

While our southern border is getting all the attention, our airports and seaports are not as high of a priority. This creates a huge vulnerability to our national security.

Each year, 47 million 20-foot containers are processed through American ports. This opens up the opportunity for bad-actors to smuggle contraband, including weapons of mass destruction, directly into our homeland.

I have the honor of representing one the greatest economic engines in Maryland – the Port of Baltimore. With that comes the acute responsibility to protect my city from a catastrophic terrorist attack.

At every coastal port, we are coping with a severe shortage in Customs and Border Patrol agents. It is compromising security, reducing throughput, and limiting our hours of operation.

I have been told that in order to maintain full service, the Port of Baltimore will need to reimburse DHS for additional personnel. In my opinion, this is an unreasonable request.

We pay federal taxes for a reason; we expect protection from our federal government. Your agents have the experience to thwart terrorist attacks and we need you to be present at our ports.

Question: Can you clarify how much of the supplemental funding will go towards additional Customs and Border Patrol staff at domestic ports - specifically ports that have seen significant growth since the re-opening of the Panama Canal?

- Furthermore, why can't DHS seem to recruit and fully fill their roster? My understanding is that this is a department wide issue. Is it that you simply cannot find qualified individuals?
- What can we do to help you increase recruitment without sacrificing standards? In your testimony you mentioned that streamlining your hiring process will help. What does streamlining actually mean?
- Is there available equipment which could effectively be a force multiplier? In other words, what technology do you need so that we can make do with fewer agents?

Answer: The FY 2018 President's Budget requests \$100 million to hire an additional 500 Border Patrol Agents. CBP will continue hiring efforts for CBP Officers (CBPOs) to meet FY 2017 targets and has requested additional funding in FY 2018 for 63 CBPOs at the National Targeting Center, which will allow temporary duty officers to return to positions in the field. CBP is committed to ensuring the security of our Nation's borders, while continuing to facilitate legitimate travel and trade. There has been significant progress in CBP's partnership with Congress, local governments, business groups, and the trade and travel industry to ensure that the Nation's ports of entry (POEs) are sufficiently staffed.

We are not seeing a significant increase in shipments to the Port of Baltimore since the expanded canal opened in June 2016. Following are the cargo statistics for the first 6 months of FY 2016 and FY 2017 at the Port of Baltimore for comparison. We will certainly continue to monitor the situation.

OFO Full - Empty Vessel Containers - Q1 thru Q2 - Baltimore

Month	FY 2016	FY 2017
January	22,099	24,362
February	20,791	20,486
March	19,754	20,241
October	20,108	19,997
November	20,926	21,464
December	19,029	24,007
Grand Total	122,707	130,557
<i>Source: OMR, PPAE-BAM, js, 8 Jun 2017</i>		

There is no requirement for the Port of Baltimore or any POE to reimburse DHS for additional personnel to maintain full services. Applying to the Reimbursable

Services Program (RSP) is entirely voluntary, as are any requests for services by stakeholders subsequent to signing an agreement under that program. Furthermore, per the recently enacted Cross-Border Trade Enhancement Act of 2016, CBP cannot use this program to “shift the cost of services funded in any appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees, to entities under the Act.” Therefore, the RSP is merely an alternative for parties interested in receiving CBP services that are above and beyond what can currently be provided through appropriated means.

DHS hires thousands of people every year (10,100 in FY 2014; 11,832 in FY 2015; and 20,708 in FY 2016) for a vast array of occupations ranging from aviation and border security, emergency response, cybersecurity, intelligence analysis, and chemical facility inspection. DHS and its Components search for candidates who are drawn to the complex and challenging homeland security missions, while ensuring that each hire meets DHS and statute-mandated qualifications. As is true of other professions governed by exacting standards, finding candidates to fill DHS vacancies often requires assessing the qualifications of numerous applicants to yield a single suitable hire.

CBP’s multifaceted recruitment strategy is designed to mitigate hiring challenges to the greatest extent possible. CBP will continue its aggressive implementation of its recruitment strategy to ensure the frontline is staffed with personnel whose skills, knowledge, and character are equal to the task. Meeting and sustaining our manpower needs remains our top mission support priority.

For example, as of May 2017 it takes CBP approximately 81 applicants to find one qualified agent or officer to enter on duty. This stems from the fact that applicants often fail to meet one or more hiring prerequisites, such as background checks, polygraph screening, and physical fitness testing. CBP has substantially mitigated this challenge through innovative use of streamlined hiring hubs, reducing their time to screen and hire applicants to 165 days (when compared to a January 2016 baseline of 469 days). Their recruitment efforts continue to show promise, as evidenced by realizing 99 percent more applicants in FY 2017 Quarter 2 than in FY 2017 Quarter 1. DHS continues to make Department-wide human capital investments needed to improve its outreach and recruitment efforts – to not only support current hiring, but also the hiring surge pursuant to recent executive orders.

Another challenge DHS faces is employing people in hard-to-fill locations. Many jobs are located in border towns with minimal infrastructure (medical services, schools, employment opportunities for spouses, etc.). Recruiting incentives can be

used to entice candidates to apply for positions in these areas, and DHS Components continue to assess ideas that may help address this issue.

While the public perception of DHS is favorable, there are specific challenges in improving the perception of public safety occupations, and law enforcement positions in particular. An additional challenge we face is recruiting in an uncertain fiscal and political climate that makes applicants re-consider a commitment to federal employment.

Beginning in 2015, CBP reengineered its entire pre-employment process by implementing more than 40 process improvements that collectively transformed our frontline staffing capability. As part of this effort, CBP developed and piloted a hiring hub program, which significantly reduced the time-to-hire for qualified applicants and allowed the Agency to identify and remove unqualified applicants more quickly, preventing bottlenecks in later phases of the process. This process of streamlining not only strengthened CBP's hiring capability, it also helped to increase the applicant-to-Entrance on Duty (EOD) ratio, preventing otherwise qualified candidates from dropping out of the process due to fatigue or taking more immediate job offers elsewhere.

CBP continues to examine every aspect of its pre-employment process to identify areas in which further improvements can be made. The strategy builds on the momentum of the process improvements that have been implemented in the last two years and includes modifications to the administration of the polygraph exam, entrance exam, and physical fitness tests. While modifications to the pre-employment process are being considered and piloted, CBP will not implement any changes without carefully weighing all risks and mitigation measures. The hiring process is meant to ensure that only individuals with the highest integrity serve as agents and officers safeguarding our borders and ports of entry – and CBP remains committed to upholding these standards amid the increasing need to hire more personnel.

Streamlining the hiring process means decreasing time-to-hire, using special hiring authorities to expedite the hiring process, and strategic use of one-stop recruitment events. A recent example of a successful strategic recruitment practice for DHS was the first-ever multi-Component Cyber and Tech Job Fair held in Washington, DC, on July 27-28, 2016. This two-day event generated more than 14,000 applicants, 2,500 walk-in candidates, and 842 onsite interviews. As a result, the Department made more than 400 job offers. Of this number, over 120 candidates

joined DHS within 60 days. This year, there are plans to have a similar hiring event focused on hiring veterans.

DHS also employs an increased use of data analytics to target recruitment based on workforce concentrations and hiring locations to determine which demographics to target (e.g., data shows there are 200,000 women veterans in Texas), to conduct joint DHS Component hiring events as described above, to develop recruitment calendars of events, and to determine which special hiring authorities to use for expedited hiring. Hiring authorities such as the Veterans Recruitment Appointment Authority, veterans with a 30 percent or greater disability rating, and Schedule A will enable DHS to increase the number of veterans and individuals with disabilities that fill its vacancies, while simultaneously reducing time to hire. DHS seeks to continue to build upon its exemplary record of hiring veterans and people with disabilities.

Technology is an essential tool necessary to secure the border. It is used as a force multiplier allowing for the assignment of personnel to high risk areas.

Integrated Fixed Tower (IFT) systems provide long range persistent surveillance. They perform detect and tracking functions without operator intervention, and enable control room personnel to identify and classify using video feed. IFT systems enable CBP to survey large areas along the border with significantly fewer resources. The FY 2018 President's Budget includes \$17.4 million in Procurement, Construction and Improvement (PC&I) funding for IFT capability.

Remote Video Surveillance Systems (RVSS) provide short, medium and long range persistent surveillance. They enable a command and control (C2) room operator to remotely detect, track, identify and classify functions using the video feed. Personnel monitor and observe activity on the video monitors to detect border intrusions and assist USBP agents/officers in responding to those intrusions. \$46.2 million has been requested in PC&I funding for FY 2018 for RVSS capability in Rio Grande Valley Sector.

Mobile Video Surveillance Systems (MVSS) provide short and medium range mobile surveillance and consist of a suite of camera sensors mounted on USBP vehicles. An agent deploys with the system. MVSS enable an operator deployed with the system to detect and to a limited extent, track, identify and classify functions using the video feed. The agent/operator observes activity on the video monitor to detect intrusions and assist agents/officers in responding to those

intrusions. \$1.6 million has been requested in PC&I funding has been requested in the FY 2018 Budget for MVSS capability.

Cross Border Tunnel Threat (CBTT) is being developed to predict, detect, confirm, and map cross border tunneling. The sensor systems may be deployed via multiple configurations in various environments using both fixed and mobile platforms depending on the predicted threat. Tunnel confirmation and mapping will be performed using systems that provide the necessary accuracy and timeliness, and introduce the least amount of risk to the operators. For this purpose, \$9.0 million in PC&I funding has been included in the FY 2018 Budget for CBTT capability.

Unattended Ground Sensors (UGS) will expand detection on the SWB and improved probability of target identification and threat classification. This technology and equipment provides a cost effective means of monitoring high risk, low traffic areas. The FY 2018 Budget provides \$20.0 million in PC&I funding for UGS capability.

Airport Insider Threat

Background: A serious issue has been recently brought to my attention regarding insider threats at airports.

It was once my assumption that everyone entering secured areas at airports were screened with equal stringency - regardless of whether they are a passenger or support staff. Having this security loophole leaves us open for the transporting of contraband of every sort.

Our first line of defense is to know who is operating our airports.

A recent Inspector General report exposed that 73 currently employed aviation employees were found to have possible ties to terrorist organizations. Somehow, these ties failed to turn up in their background check.

To paint a crystal clear picture: a contractor at Dallas-Fort Worth recently bragged to an undercover FBI agent that he could smuggle a bomb onto an aircraft for a \$4,000 fee.

To me it does not sound like our current protocols are working.

To fix this problem, the House Homeland Security Committee has recommended expanding the use of biometric access credentialing – including fingerprints and retina scans.

Further prescribed steps include: conducting continuous background testing and quickly deactivating badges when they're lost or employees are let go.

Question: I strongly suggest that DHS takes the Committee's recommendations seriously. On that note, has DHS begun implementing these measures?

- Furthermore, what are the financial costs associated with these enhancements? Do we need more personnel or better equipment?
- How soon will we be able to stop the flow of unflagged contraband to zero?

Answer: The Department of Homeland Security (DHS) is implementing the Committee's recommendation by encouraging the use of biometric access control systems at airports. The Transportation Security Administration (TSA) is working with industry partners to ensure airport installed biometrically-enabled card readers can read standard access control cards and that the biometric reader technology conforms to Radio Technical Commission for Aeronautics (RTCA) industry standards. However, there is no single standard, as validated by the National Institute for Standards and Technology that can be read by all biometric readers.

TSA conducts security background checks for airport and airline employees through the Secure Identification Display Area (SIDA) badging process. Aviation workers at airports who receive an airport-issued identification are subjected to a TSA Security Threat Assessment (STA) which provides recurrent (that is, automatically updated daily) vetting against the U.S. Government's Terrorist Screening Database (TSDB). (On this point, it is worth noting that the 73 individuals to whom your inquiry refers were not on the terrorist watch lists at the time they were vetted by TSA, and upon review, it was determined they should not have been.) Additionally, many of the same employees are subject to a Criminal History Records Check (CHRC) and an immigration status check. With the introduction of the new Federal Bureau of Investigation (FBI) Rap Back system, the CHRCs are automatically updated if there is relevant activity on the individual's criminal record. TSA's requirements for airport operators who issue badges has long included provisions for timely deactivation of badges.

Both TSA and its industry partners are actively exploring the best ways to deploy employee biometric technologies in the airport environment, including for personnel access control, passenger identification, and other applications, taking into account the security value of the technology, as well as mitigating the burden to airport operators in terms of the costs associated with these emerging technologies. TSA will prioritize its capital plan and funding to test and qualify new technologies as they are developed and proposed, and to monitor their use in the field.

Reducing the flow of unflagged contraband to zero would be extremely difficult without imposing very serious delays and burdens on passengers at the checkpoints. TSA uses a risk-based approach in checkpoint and checked baggage screening that balances obtaining maximum security value, maintaining the flow of commerce and travel, as well as efficient deployment of our resources. Each day, TSA screens approximately 2.2 million passengers, 1.3 million checked bags, and 4.9 million carry-on bags. Additionally, ensuring security of transportation venues remains a shared responsibility among government entities, airports, airlines, and other stakeholders.

Chemical Security Analysis Center (CSAC)

Background: Mr. Secretary, buried deep in budget is the zeroing out of three laboratories in DHS's Science and Technology Directorate. One of these labs, the Chemical Security Analysis Center, is housed in my District.

This laboratory is doing essential work – identifying and assessing America's chemical threats and vulnerabilities.

The dedicated individuals at Aberdeen Proving Ground provide 24-hour, seven-days-a-week response capability to our National Operations Center.

This center is a great resource not only to DHS, but the FBI, EPA, and Health and Human Services as well. The program's elimination will only save \$700,000, but will put 6 employees out of a job.

Moreover, the termination of CSAC will reduce DHS's ability to have on-demand scientific advice and research during a chemical attack.

Question: My question for you Mr. Secretary, can you explain to me why this laboratory was established, the work they have done, and how you can you justify this cut?

- It all comes down to priorities. Is this \$700,000 going straight to our southern border wall to play defense at our nation's one-yard line? If so, I strongly believe that the money would be better spent securing our interior instead?

Answer: CSAC was established in 2006 to assess and identify vulnerabilities and respond to potential chemical threats to the American homeland. The strategic reductions in the FY 2018 budget will allow the Science and Technology Directorate (S&T) to focus on the highest priority needs of the Administration and DHS. The budget proposes to close three laboratories, including CSAC, to maximize limited research and development (R&D) funds and avoid maintaining facilities that would be underutilized at requested funding levels. The budget continues to fund high-impact R&D for Administration and DHS priorities in border security, counterterrorism, explosives, cyber, and first responder/disaster resilience, while minimizing reductions to biodefense.

S&T assesses that capabilities at CSAC can be replicated at other facilities it intends to leverage. S&T will maintain DHS's partnership with 13 Department of Energy national laboratories that are vital to the national homeland security mission. DHS will also seek to leverage technologies developed by the Department of Defense, which is heavily invested in chemical and biological detection and mitigation.

TUESDAY, JUNE 13, 2017.

IMMIGRATION AND CUSTOMS ENFORCEMENT AND CUSTOMS AND BORDER PROTECTION FISCAL YEAR 2018 BUDGET REQUEST

WITNESSES

**CARLA L. PROVOST, ACTING CHIEF, UNITED STATES BORDER PATROL
JOHN P. WAGNER, DEPUTY EXECUTIVE ASSISTANT COMMISSIONER,
OFFICE OF FIELD OPERATIONS
THOMAS D. HOMAN, ACTING DIRECTOR, IMMIGRATION AND CUSTOMS
ENFORCEMENT**

Mr. CARTER [presiding]. I am going to call this subcommittee to order. Welcome, everybody. We are glad everyone is here.

And I want to welcome our panel of witnesses. Today we have John Wagner, executive assistant commissioner of CBP for field operations. Chief Carla Provost, acting chief of the Border Patrol. And Thomas Homan, acting director of ICE. Welcome each and every one of you. We appreciate very much your coming here on this important issue.

This subcommittee is holding a hearing on the budget request of two DHS components, ICE and CBP. And this is for couple of reasons. The first is practical. Chairman Freylinghuysen wants all appropriations bills reported out of full committee before the August recess. And given the late submissions for the 2018 budget request, we are operating on a compressed schedule in order to meet this objective.

Having both components also provides an opportunity to hear how they operate jointly, and how those operations have a direct impact on the assumptions underlying their budget requests.

Let me state at the outset that I support the proposed budget increases for both CBP and ICE. Thankfully, illegal immigration is down. However, the border is still vulnerable and gaining operational control remains an imperative.

In my opinion, technology solutions that improve situational awareness and infrastructure that slows illegal crossings makes the country safer. Too often the discussion about border security revolves around illegal immigration, which is certainly part of the story.

The rest of the story is that illegal immigrants can exploit vulnerabilities in the nation's border, and if they can do it, so can terrorists, drug smuggling, and human trafficking organizations. This is unacceptable.

It is time to change the dynamic and the budget request for CBP and ICE is a start in the right direction. The fiscal year 2018 budget request for CBP is \$13.9 billion, an increase of \$1.7 billion over the amount provided in fiscal year 2017. This includes over \$1.7 billion for new physical infrastructure.

There are legitimate questions about the request that require answers. For example, spending is proposed for various types of barriers, but it's unclear where they will be located, or if they can be executed in fiscal year 2018.

Likewise, we need an understanding why more emphasis has not been placed on technology and personnel at ports of entry. This is where a vast majority of the illicit drugs and currency enter the United States.

The fiscal year 2018 budget request for ICE is \$7.6 billion in discretionary spending, an increase of \$1.1 billion over fiscal year 2017. The largest share of the increase supports the detention and removal of an additional 12,055 adult aliens, resulting from robust interior enforcement.

This subcommittee needs to understand if the change in policies and force structure will actually enable this level of enforcement as well as the methodology used to calculate the cost for enforcement and removal operations.

Before I turn to our witnesses for their statements, the text of which will be included in the record, I would like to recognize the distinguished ranking member, Ms. Roybal-Allard, for any remarks she may wish to make.

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman. And welcome, Director Homan, Chief Provost, and Deputy Executive Assistant Commissioner Wagner.

When the secretary appeared before this subcommittee a few weeks ago I noted that his job was among the most challenging in government. Much of that challenge—

Mr. CARTER. We don't hear you on the mike.

Ms. ROYBAL-ALLARD. When the secretary appeared before this subcommittee a few weeks ago, I noted that his job was among the most challenging in government. Much of that challenge stems from the difficult mission of your agencies.

One of the greatest challenges is enforcing our immigration laws, while at the same time adhering to our American values. One of the responsibilities of this subcommittee is to provide the oversight of where and how your agencies use taxpayer dollars. There will be times we will disagree on funding priorities, as well as policies, interpretation of law and enforcement priorities, just as I disagreed with some of the prior administration's.

Among those disagreements is the President's proposed border wall, because it isn't enough just to ask whether an investment improves homeland security. We must also consider the fact that each additional segment of physical barrier at the border comes at the expense of important priorities, both inside and outside of the department.

We must ask whether the incremental benefits outweigh the detrimental effects, including the cost and the trade-offs.

Another responsibility of this subcommittee is to hold accountable your agencies and any personnel who violate the trust we and you have placed in them. For example, CBP and ICE have significant authority not only over criminal aliens but in the treatment of extremely vulnerable individuals, children and families they apprehend, many of whom are fleeing severely traumatic circumstances.

Emphasizing the need for CBP and ICE to ensure such individuals are treated fairly and humanely and according to appropriate standards is this subcommittee's obligation and should not be interpreted as being at odds with valuing the mission of your agencies.

A further area of disagreement is on immigration enforcement. I completely disagree with the aggressive posture called for by the President's executive orders. One sentence in the witness testimony particularly struck me in this regard. It says, and I quote "The stepped-up enforcement of our nation's immigration laws in the interior of the United States is critically important to the national security and public safety of the United States," end of quote.

There is no disagreement that we should be removing dangerous individuals, but interior arrests of non-criminals are up 157 percent over the last year. That is not required for national security or public safety, and it has real cost to families and communities all over this country.

One example of those costs is in Los Angeles, where there is an old battery recycling plant. For decades this facility has exposed nearby residents to harmful toxins such as lead and arsenic, impairing the health of their children for the rest of their lives. Some 100,000 people are still at risk from this contamination.

The county has organized volunteers to go door to door in these communities to inform and gather health information, but many of the residents are so frightened of being separated from their families, health professionals fear residents will be too afraid to talk to volunteers.

Also because of current immigration policies, people are afraid to report serious crimes, including domestic violence, and they are less willing to come forward as witnesses to crimes.

Teachers are telling me that children are being traumatized and afraid to go to school, or to just go out and play, for fear their parents will be gone when they return home. The trauma that is being inflicted on entire communities throughout our country cannot be overstated.

This is a moral question as much as it is a legal one. And members of the panel, just as other law enforcement entities have discretion to enforce our laws, you too have discretion in enforcing our immigration laws fairly and justly.

Furthermore, I hope as we discuss these and other important issues, we will all avoid unnecessary and misleading rhetoric suggesting that Secretary Jeh Johnson and the previous administration did not work to protect our borders and enforce our laws.

I hope we will respect efforts of the prior administration to faithfully enforce the law as they understood it, including the efforts of the men and women of CBP and ICE who served during that administration. To try and discredit them only serves to undermine the respect and confidence the American people have in their government and its determination to keep them safe.

I also hope that, given the importance of your mission, when we have areas of disagreement on homeland security investments and policy, it does not call into question the commitment we all share as Americans to defend and protect our country.

Mr. Chairman, I know that this is approach that you take in leading this subcommittee, and I very much respect and appreciate your patriotism and your commitment to protecting our homeland.

Thank you, Mr. Chairman, thank you members of the panel, and I look forward to our discussion this morning.

Mr. CARTER. We are pleased to have the ranking member of the full committee, Mrs. Lowey, here today. Mrs. Lowey, would you like to make a statement?

Mrs. LOWEY. Thank you, Mr. Chairman. And I would like to thank Chairman Carter, Ranking Member Roybal-Allard, for holding this important hearing, and I want to thank you to our distinguished panelists for being here this morning.

As we wade further into this condensed appropriations season, I have been struck by the notable and at times shocking decreases and eliminations in this administration's budget. I am stunned yet again, but this time by the increases proposed for both ICE and CBP, which are part and parcel of the un-American mass deportation policy this administration is pursuing.

For ICE, the budget requests \$1 billion for a surge in detention beds, an increase of \$186 million to hire 1,000 additional immigration enforcement officers and 600 support staff. For CBP the budget requests \$1.6 billion for, in my judgment, President Trump's boondoggle of a wall, an unnecessary and unreasonably expensive proposition that is based on nothing more than a campaign promise and will not keep us safe.

I want to make something perfectly clear. Democrats will not accept a penny of funding for a new deportation force or a border wall. It appears President Trump and the administration did not take note of the recently enacted bipartisan spending bill in which neither of these items was funded.

If President Trump actually wants the government to function and wants annual appropriation bills enacted into law then he must abandon these outrageous requests.

In addition, President Trump has spoken and tweeted extensively regarding his draconian plan to detain and deport as many people as possible. Let me give you just one example of how unconscionable and unacceptable this approach is.

Last week a young man from my district, Diego Pumonacanella, was detained by ICE. Diego was brought to the United States as a minor by a parent and by all accounts was an upstanding member of the community. This summer Diego was planning to graduate from high school, but instead was separated from his mother, detained on the day of his senior prom, and is now due to be deported.

We have worked to foster a diverse community where people of all backgrounds build a brighter future together. The removal of this teenager violates the fundamental trust between law enforcement and our community.

Increased immigration enforcement of nonviolent offenders—I mention that again because nonviolent offenders, especially targeted at children like Diego, has a chilling effect on these critical relationships. This radical enforcement policy makes us all less safe.

As I told Secretary Kelly when he testified before this subcommittee last month, the budget does not reflect the serious nature of the threats we face. It is time we move on from campaign rhetoric and start focusing on what is needed to truly keep American families safe. Thank you.

Thank you, Mr. Chairman.

Mr. CARTER. Thank you, Mrs. Lowey.

All right. We are ready to hear from you on your opening statements. Those opening statements. If you submitted an opening statement, everybody has got a copy of it. What you need to say, you need to condense it down to about 5 minutes, and the rest of what you have to say of course will be entered into the record.

So Ms. Provost.

Ms. PROVOST. Thank you, Chairman Carter, Ranking Member Roybal-Allard.

As the acting chief of the United States Border Patrol, I am honored and privileged to appear before you today to discuss the President's fiscal year 2018 budget. As America's border agency, U.S. Customs and Border Protection is responsible for securing America's borders against all threats, while facilitating the flow of lawful people and goods entering the United States.

Today I will discuss how we are using the resources provided by Congress efficiently and effectively, and talk about how the President's fiscal year 2018 budget request supports CBP's continued commitment to securing our borders by maintaining the right balance of people, technology and infrastructure, often referred to as the three-legged stool.

As an evolution from the three-legged stool, we rely on four interdependent master capabilities of domain awareness, impedance and denial, access and mobility, and mission readiness.

Domain awareness is provided through technology that helps detect, identify and classify. Impedance and denial is provided through border walls designed to deny and deter illicit cross-border activity.

Access and mobility is added infrastructure of access and patrol roads that enhance our response capabilities. And finally, mission readiness is provided through the border patrol agents and their training and tools that provide the law enforcement response.

Our operational capabilities are reinforced by Congress's ongoing support of investments in technology and equipment. Radios are essential for frontline agents, officers and pilots. Border patrol agents may not deploy to the field without a functioning radio.

On that, I would be remiss if I did not express our gratitude to Congress for your strong support in fiscal year 2017 in this area. However, nearly 72,000 units of CBP's radio inventory are obsolete and/or have exceeded their useful life.

The 2018 budget requests \$44 million to purchase secure modern communication assets in order to achieve maximum interoperability and functionality. The budget also includes \$34.8 million for the tactical aerostats and relocatable towers program to provide border patrol agents with advanced surveillance technology over a wide area.

The budget includes \$22.4 million for integrated fixed towers, operations and maintenance, and \$17.4 million for procurement, con-

struction and improvements. These and other proven border security technologies help the U.S. Border Patrol fulfill our mission every day.

To fulfill the mandate of executive order 13767, border security and immigration enforcement improvements, the budget funds an increase of \$100 million to begin hiring 5,000 additional border patrol agents, beginning with 500 agents from current appropriated staffing levels.

The budget seeks further increase of \$23.2 million to fund the initial hiring of 94 additional air and marine operations personnel. This initial hiring surge develops the foundation to increase operational control along the border.

The budget also includes an increase of \$17.5 million to support efforts to attract qualified candidates and expedite the hiring process. CBP recruiters will participate in thousands of recruiting events, including those for veterans and transitioning military personnel as a top priority.

With that, I can assure you that our agency is committed to hiring people who have the highest standards of integrity, both personally and professionally.

The budget also includes \$25 million to enhance U.S. Border Patrol's operational mobility program. This positively impacts our agents' morale, and we are very thankful for the continued dedication of members of Congress to working collaboratively with us to find solutions to this complicated challenge.

Also included in the budget in support of the executive order is \$1.6 billion for a border barrier system, support infrastructure and personnel, and \$975 million for border security technology assets and equipment.

CBP has begun taking appropriate steps to deploy a border wall first where it is needed most. The budget provides for 32 miles of new border barrier system and 28 miles of new levee wall system in the Rio Grande Valley sector, where we have a critical operational requirement, as well as 14 miles of secondary replacement barrier system in the San Diego sector.

Coordination and cooperation among all federal, state, local, tribal and binational law enforcement agencies, as well as with the public and private sectors that have a stake in our mission, is paramount. The border environment is dynamic and requires continual adaptation.

This budget supports the border patrol's dedicated men and women, who continue to meet daily challenges with integrity and commitment.

In closing, I would only add that it is my belief that border patrol agents are among the most dedicated and committed law enforcement personnel in America. And we are the finest border security force in the world. It is an honor to work with them, as well as to be their advocate here today.

Thank you for the opportunity to appear before you and for your continued support of CBP. I look forward to your questions.

[The information follows:]



TESTIMONY OF

CARLA PROVOST
Acting Chief
U.S. Border Patrol
U.S. Customs and Border Protection

and

JOHN WAGNER
Deputy Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

BEFORE

House Appropriations Committee
Subcommittee on Homeland Security

ON

“Fiscal Year 2018 Budget Request”

June 13, 2017
Washington, DC

Introduction

Chairman Carter, Ranking Member Roybal-Allard, Members of the Subcommittee, it is an honor to appear before you today. As America's unified border agency, U.S. Customs and Border Protection (CBP) protects the United States from terrorist threats and prevents the illegal entry of inadmissible persons and contraband, while facilitating lawful travel and trade. CBP works tirelessly to detect illicit trafficking of people, drugs, weapons, and money, while facilitating the flow of cross-border commerce and tourism. The President's Fiscal Year (FY) 2018 Budget includes \$13.9 billion to help enable CBP to achieve our complex mission with the right combination of talented and dedicated personnel, intelligence-driven and risk-based strategies, collaborative partnerships, and advanced technology.

The border environment in which CBP works is dynamic and requires continual adaptation to respond to emerging threats and rapidly changing conditions. We are proud of CBP's dedicated men and women, who have advanced CBP's situational awareness of the border environment, and who continue to meet these challenges with integrity and commitment.

Two years ago CBP announced the *CBP Vision and Strategy 2020*, CBP's first comprehensive strategic plan for our agency in nearly a decade. The plan acknowledges the complexity of the CBP mission in an increasingly challenging border environment and provides a roadmap for the way forward by focusing efforts on collaboration, innovation, and integration in meeting our mission goals to:

- combat terrorism and transnational crime;
- advance comprehensive border security and border management;
- enhance U.S. economic competitiveness by enabling trade and travel; and
- promote organizational integration, innovation, and agility.

The last mission goal listed above – promote organizational integration, innovation, and agility – has led us over the last year to make many changes and much progress as we restructure our fiscal, operational, and institutional management to better align our resources with our missions.

To promote organizational efficiencies within CBP, it was announced two years ago that CBP would realign the agency's headquarters structure to better support our personnel in fulfilling CBP's critical mission. These changes emphasize the delegation of authority, more defined and accountable decision-making, and improved span of control for management. While CBP's operational offices – Office of Field Operations (OFO), U.S. Border Patrol (USBP), Air and Marine Operations (AMO), and the Office of Trade (OT) – remain as key Offices within CBP, the new structure identifies and addresses the strengths and weaknesses of our most critical infrastructure, and supports working towards integrated and comprehensive solutions to issues and challenges. We measure the success of this effort by our ability to support the front lines – our ability to identify requirements and to manage resources effectively. CBP's realignment is allowing us to streamline process flows and create efficiencies for the agency.

Implementing the President's Executive Orders

As President Trump has stated, "Homeland Security is in the business of saving lives, and that mandate will guide our actions." Through a series of Executive Orders (EOs), the President has taken steps to enhance border security, promote public safety, minimize the threat of terrorist attacks by foreign nationals, and protect American workers from unfair foreign competition. The FY 2018 Budget proposes significant investments to support all of those goals while implementing the EOs.

In January, the President signed the Executive Order entitled *Border Security and Immigration Enforcement Improvements* (EO 13767). Included in the Budget is a total of \$2.6 billion in enhancements in high-priority border security technology, tactical infrastructure, assets, and equipment, including \$1.6 billion for a border wall system and support infrastructure and personnel; \$975 million for border security technology, assets, and equipment. Additionally, the Budget provides \$100 million to hire 500 additional Border Patrol Agents (BPA), the initial hiring surge for the 5,000 additional agents required by this EO.

The Budget also includes \$55 million to help CBP implement initiatives directed by EO 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, specifically to improve intelligence and targeting capabilities related to the screening and vetting of immigration populations and international travelers, in accordance with Section 5 of the EO.¹ These resources will also support the efforts related to EO 13767.

Finally, the Budget includes \$30 million to help CBP meet the legislative mandates to implement the Trade Facilitation and Trade Enforcement Act (TFTEA), as well as the *Omnibus Report on Significant Trade Deficits* called for by EO 13786.

Securing America's Borders

Along the more than 5,000 miles of border with Canada; 1,900 miles of border with Mexico; and approximately 95,000 miles of shoreline, CBP is responsible for preventing the illegal entry of people and contraband at and between the Ports of Entry (POEs). CBP's USBP and AMO agents patrol our Nation's borders and associated airspace and maritime approaches to prevent illegal entry of people and goods into the United States. CBP officers (CBPOs) and agriculture specialists (CBPAS) are multi-disciplined and perform the full range of inspection, intelligence analysis, examination, and law enforcement activities relating to the arrival and departure of persons, conveyances, and merchandise at air, land, and sea POEs.

EO 13767 directs executive departments and agencies to deploy all lawful means to secure the Nation's Southern border, prevent further illegal immigration into the United States, and repatriate aliens with final orders of removal swiftly, consistently, and humanely. EO 13767 also establishes the foundation for securing our Southern border by directing the tools, resources, and policy goals for CBP's dedicated men and women who are responsible for preventing illegal immigration, drug smuggling, human trafficking, and acts of terrorism. In accordance with existing law, CBP has

¹Sec. 5. "Implementing Uniform Screening and Vetting Standards for All Immigration Programs" per <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>

already begun to take all appropriate steps to plan, design, and construct a physical wall, using the materials and technology that will most effectively achieve operational control of the Southern border.

The FY 2018 Budget provides \$1.6 billion for 32 miles of new border wall system and 28 miles of new levee wall in Rio Grande Valley Sector, as well as 14 miles of secondary border wall system in San Diego Sector. Tactical infrastructure, including physical barriers, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southern border. It is undeniable that border barriers have enhanced – and will continue to enhance – CBP's operational capabilities by creating persistent impedance, and facilitating the deterrence and prevention of successful illegal entries. CBP plans to deploy border wall system in a multi-phased approach that meets USBP's operational requirements, safeguards national security and public safety, and is the result of thorough analysis of threat, cost, and mission effectiveness.

The land along the border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Today we have several types of barriers, to include steel bollard and levee wall, along nearly one-third, or 654 miles, of the Southwest border.

CBP is prioritizing investments and geographic areas across the Southwest border, leveraging the USBP's annual, full spectrum requirements analysis process to identify needs related to domain awareness, impedance and denial, access and mobility, and mission readiness. Throughout the planning, designing, and construction process, CBP will complete project, budget, real estate, and environmental planning to ensure available resource capacity. CBP will leverage expertise in federal acquisition to maximize transparency and accountability and to ensure the most effective and efficient solutions are deployed to meet requirements, in accordance with the established DHS acquisition framework and acquisition review board oversight.

CBP is seeking to build on the successes of and lessons learned from the installation and operation of existing barriers to deploy a system that addresses dynamic cross-border threats. CBP is working with industry and partnering with the U.S. Army Corp of Engineers to potentially incorporate additional alternative barrier designs that may include a concrete base or other innovative solutions into our border barrier toolkit. Border barrier and levee wall systems are comprehensive solutions that include a concentrated combination of various types of infrastructure such as wall, fence, all-weather roads, lighting, enforcement cameras, and other related technology. The strategic deployment of these capabilities along the border will provide USBP's frontline agents with the tools they need to deter and prevent successful illegal entries.

CBP is committed to ensuring that all stakeholder communities, to include Congress, federal partners, state, local, and tribal officials, and the impacted communities, are informed throughout this process.

Response to Migrant Surges

Thanks to this Subcommittee's support, the Nation's long-term investment in border security has produced significant and positive results. With the support and direction of President Trump and Secretary Kelly, we are already seeing an unprecedented improvement in the posture of our

Southwest border. Since January 2017, the number of illegal aliens we have apprehended on the Southwest border has drastically decreased, indicating a significant decrease in the number of aliens attempting to illegally enter the country. The number of illegal aliens apprehended in April 2017 was more than 60 percent lower than January apprehensions and close to 70 percent lower than the same time last year.²

During FY 2016, over 415,816 illegal aliens from Central America and Mexico – including over 137,614 unaccompanied alien children (UAC) and alien families – were apprehended along our Southwest border. While more than 16,000 family units were apprehended at the border in December of 2016, only 1,119 family units were apprehended in April of 2017.³

Although the numbers have recently declined, UAC and other immigrant flows are difficult to predict and another surge is always a possibility. The simple fact is that now is the time to make further, substantial improvements to our southwest border security, as these could be fleeting improvements if the perception of our southern border security returns to what it was before January 2017. We must remain prepared for apprehension numbers to climb again as quickly as they have fallen.

Investments in Mobile Tactical Equipment

CBP's border security mission regularly requires BPAs and CBPOs to operate in diverse and remote locations where tactical communication, transportation, and surveillance capabilities are essential to coordinating mission activities and protecting the safety of CBP law enforcement personnel. For agents and officers operating in remote areas, their radios are often their only means of communication to coordinate activities or request assistance. For USBP, radios are the single most essential piece of equipment for frontline agents – a BPA may not deploy to the field without a functioning radio.

CBP operates and maintains a tactical radio inventory of more than 70,000 units, utilized by CBP's frontline law enforcement personnel. More than 25,000 units of CBP's radio inventory have exceeded their useful life and are no longer supported by the manufacturer. The FY 2018 Budget seeks \$29.3 million to purchase the equipment for USBP and AMO Tactical Air Land and Marine Enterprise Communications (TALMEC), including the acquisition of modern and secure radio and satellite communication technology that will provide communication reliability and security for CBP frontline law enforcement and flexibility for agents and officers to communicate with state and local law enforcement agencies as well as Mexican authorities.

The FY 2018 Budget includes \$60.3 million to provide for the acquisition of vehicles. CBP's vehicle lifecycle management process⁴ is especially important as vehicles become older and less reliable, while mission demands continue. Reductions in vehicle performance and/or reliability may place an undue burden on law enforcement personnel executing mission requirements. These investments, to include recapitalizing aging radios and vehicles, will enable agents to respond to and resolve incidents and incursions more efficiently, effectively and safely.

² Per <https://www.cbp.gov/newsroom/stats/sw-border-migration>

³ Per <https://www.cbp.gov/newsroom/stats/sw-border-migration>

⁴ The General Services Administration's recommended vehicle replacement standard is five years.

Technology Investments between Ports of Entry

The FY 2018 Budget will also enable the continued deployment of proven, effective technology to strengthen border security operations between the ports – in the land, air, and maritime environments. With the deployment of fixed and mobile surveillance capabilities, CBP can gain situational awareness remotely, direct a response team to the best interdiction location, and warn them of any additional danger otherwise unknown along the way. Investment in this area will support CBP's efforts to implement the President's EOs on border security and to maintain operational control of the Southern border through improved situational awareness.

CBP's Tactical Aerostats and Re-locatable Towers Program, originally part of the Department of Defense (DOD) Re-use program, uses a mix of aerostats, towers, cameras, and radars to provide USBP with advanced surveillance capabilities over a wide area. This technology has proven to be a vital asset in increasing CBP's ability to detect, identify, classify, and track illegal activity. Furthermore, since initial deployment, these systems have been responsible for the detection of more than 180,000 illegal border incursions of aliens and smugglers, leading to the seizure of approximately 180 tons of narcotics and related contraband headed towards our Nation's cities and neighborhoods. As of April 2017, USBP agents, with the assistance of existing aerostats and re-locatable towers, have seized 62 tons of narcotics, and caught more than 20,000 illegal border crossers detected in aerostat locations during FY 2017. The FY 2018 Budget includes \$34.8 million in FY 2018 for the Tactical Aerostats and Re-locatable Towers Program to fund continued operations and maintenance costs.

Another proven border security technology, Integrated Fixed Towers (IFT), assists BPAs in detecting, tracking, identifying, and classifying items of interest along our Nation's borders through a series of fixed surveillance towers and equipment that display information on workstations in command and control centers. CBP requires \$22.4 million in FY 2018 for the IFT program for operations and maintenance. In addition, CBP proposes \$17.4 million in FY 2018 for procurement, construction, and improvements towards the IFT program.

Remote Video Surveillance Systems (RVSS) are another fixed technology asset used in select areas along the Southwest and Northern borders. These systems provide short-, medium-, and long-range persistent surveillance mounted on stand-alone towers, or other structures. The RVSS uses cameras, radio, and transmitters to send video to a control room. This enables a control room operator to remotely detect, identify, classify and track targets using the video feed. The RVSS deployment planned as part of the Arizona Technology Plan is now complete, and CBP is presently working to expand the RVSS capability to other high-priority areas along the Southwest border. The FY 2018 Budget includes \$20.0 million in FY 2018 to sustain RVSS. An additional \$46.2 million is provided for procurement, construction, and improvements. This funding will be used to support the deployment of the RVSS capability to the Rio Grande Valley Sector.

Mobile Video Surveillance Systems (MVSS) consist of short- and medium-range mobile surveillance equipment that is mounted on USBP vehicles. An agent deploys with the system, which helps agents detect, track, identify, and classify items of interest using the MVSS video feed. The agent observes activity on the video monitors to detect intrusions and assist other agents in responding to those intrusions. The FY 2018 Budget includes \$3.2 million to provide operation

and sustainment for MVSS, and an additional \$1.6 million for procurement, construction, and improvements to fulfill operational needs on the Southern and Northern borders.

As we continue to deploy border surveillance technology and other operational assets, particularly along the Southwest border, the Subcommittee's support of these investments allows CBP the flexibility to shift more frontline personnel from detection duties to interdiction of illegal activities on our borders. The FY 2018 budget supports CBP's border security mission by increasing and enhancing border security technology including mobile assets, air and marine capabilities, and initiatives to increase efficiency and effectiveness.

Securing and Expediting Trade and Travel

At our Nation's 328 land, air, and sea POEs, CBP prevents dangerous people and contraband from entering the United States, while facilitating the lawful flow of international trade and travel by using a combination of personnel, technology, intelligence, risk information, targeting, and international cooperation. CBP extends the U.S. zone of security beyond our physical borders through bilateral cooperation with other nations, private-sector partnerships, expanded targeting, and advance scrutiny of information on people and goods seeking to enter this country.

CBP's travel and trade security operations use a risk-based approach, applying rigorous information analysis and targeting to identify the greatest threats and risks. CBP proposes an increase of \$54.9 million in FY 2018 for improved intelligence and targeting capabilities, including an increase of \$14.5 million to expand staffing at CBP's National Targeting Center (NTC). This increase will also enhance NTC analytical modeling capabilities and provide for additional equipment. The NTC operates 24 hours a day with the mission of collaborating with federal, state, local, and international partners to effectively identify, target, screen, and interdict inbound and outbound passengers and cargo across all international modes of transportation that pose a threat to national security, public safety, agriculture, lawful trade, and safe travel. Effective targeting and interdiction prevents inadmissible high-risk passengers, cargo, and agriculture / bioterrorism threats from reaching U.S. POEs, thereby extending our border security initiatives outward and making our borders the last line of defense rather than the first line of defense.

The FY 2018 Budget continues substantial investment in Non-Intrusive Inspection (NII) technology that enables CBP to detect materials that pose significant nuclear and radiological threat. Utilizing Radiation Portal Monitors (RPMs), as well as Radiation Isotope Identification Devices, and Personal Radiation Detectors, which are deployed nationwide at our POEs, CBP is able to scan 100 percent of all mail and express consignment mail and parcels; 100 percent of all truck cargo and personally owned vehicles arriving from Canada and Mexico; and nearly 100 percent of all arriving maritime containerized cargo for the presence of radiological or nuclear materials.

Using NII imaging equipment, CBPOs can also examine cargo conveyances such as sea containers, commercial trucks, and rail cars, as well as privately owned vehicles, for the presence of contraband without physically opening or unloading them. NII technologies – both radiological detection and imaging – are force multipliers that enable CBP to screen or examine a larger portion of the stream of commercial traffic while facilitating the flow of legitimate trade, cargo, and passengers.

In FY 2016, CBP utilized more than 300 large-scale (LS) NII systems to image approximately 6.5 million cargo or conveyances across CBP's 328 land, sea, and air POEs, resulting in CBPOs seizing more than 355,000 pounds of narcotics and more than \$3.9 million in U.S. currency. More than 8,000 additional officers at a labor cost of approximately \$1 billion would have been required if physical examinations were conducted. The Budget proposes \$109.2 million to build upon prior year investments and will be used to recapitalize the current small-scale (SS) and LS NII technology fleet. This funding will allow CBP to remain on track to ensure the NII fleet is operating within its service life by FY 2024, and will help CBP continue to use NII to safely, quickly, and effectively detect a wide range of contraband imported using a variety of conveyances, thereby facilitating lawful trade and travel.

As mentioned above, another key role played by CBP in securing our borders is the interdiction of narcotics. In FY 2016, CBPOs and BPAs seized and/or disrupted more than 3.3 million pounds of narcotics across the country⁵ including approximately 46,000 pounds of methamphetamine and 4,800 pounds of heroin. CBP heroin seizures by weight rose 43 percent from approximately 4,217 pounds in FY 2012 to approximately 5,981 pounds in FY 2015. The majority of heroin seizures occur at the Southwest border: 82 percent of all CBP heroin seizures between FYs 2012-2016. CBP seizures of fentanyl remain relatively small compared to heroin, but have significantly increased over the past three years, from approximately two pounds seized in FY 2013 to approximately 440 pounds seized in FY 2016. Fentanyl is the most frequently seized illicit synthetic opioid, but CBP has also encountered various types of fentanyl analogues.⁶

CBP seizures of cocaine have remained steady between FYs 2012-2016 averaging approximately 200,000 pounds of cocaine seized each fiscal year. By funding the right mix of people, technology, and infrastructure, the FY 2018 Budget will help CBP continue to work to secure our borders and keep illegal narcotics out of the hands of the American people.

CBP also has the responsibility to enhance the Nation's economic competitiveness and security by efficiently and effectively processing goods and people across our borders. This is crucial to promoting job growth and helping the private sector remain globally competitive today and in the future. The FY 2018 Budget includes \$263.3 million for OT to support CBP's implementation of TFTEA; implement the President's EO 13785, *Establishing Enhanced Collection and Enforcement of Antidumping and Countervailing Duties and Violations of Trade and Customs Laws*; and meet other needs to fulfill our trade mission outlined below.

CBP proposes an increase of \$29.8 million to support 140 new positions to provide for new services mandated by TFTEA, which was enacted on February 24, 2016. The law specifies new trade facilitation and enforcement operational requirements, organizational changes, and new authorities and services. One of the most impactful pieces of trade legislation for CBP in more than a generation, TFTEA includes substantial changes to trade enforcement, particularly in the area of Anti-dumping and Countervailing Duties; establishing processes for investigating claims

⁵ FY 2016 Border Security Report, U.S. Customs and Border Protection, <https://www.cbp.gov/sites/default/files/assets/documents/2016-Dec/CBP-fy2016-border-security-report.pdf>

⁶ These include: acetylfentanyl, butyrylfentanyl, beta-hydroxythiofentanyl, para-fluorobutyrylfentanyl, pentanoylfentanyl, alpha-methyl acetylfentanyl, para-fluoroisobutyrylfentanyl, para-fluorofentanyl, carfentanil, furanylfentanyl, and most recently benzodioxolefentanyl, acrylfentanyl, and methoxyacetylfentanyl.

of evasion of anti-dumping orders; using donations of technology from the private sector for enforcing intellectual property rights; and simplifying drawback processing to spur domestic manufacturing and exports.

Another substantial mandate within TFTEA is the Enforce and Protect Act (EAPA), which allows a party to submit an allegation of dumping circumvention to CBP, and grants CBP new authorities to make adverse decisions against an importer based on the lack of response or an incomplete response to an inquiry. CBP is mandated to initiate and pursue EAPA allegations within certain timeframes, and demand for these services is growing despite the lack of necessary staffing. There are many other substantial mandates which CBP must implement. These 140 new positions will enable OT to fully address TFTEA mandates in both a timely manner and without impacting the core mission and operations of CBP's trade mission.

Also with the strong support of this Subcommittee, CBP is completing the development of core trade processing capabilities in the Automated Commercial Environment (ACE). ACE is the "Single Window" through which all import and export data are reported by industry to more than 47 partner government agencies, eliminating more than 200 different forms and streamlining trade processes. In FY 2018 ACE will transition from development to sustainment. To facilitate this transition CBP proposes an increase of \$45.1 million in FY 2018 for ACE Core Functionality. This includes \$9.1 million for software sustainment; \$12.2 million to provide ACE disaster recovery to ensure continuity of operations through the use of a robust "cloud solution"; \$11.3 million to decommission code currently on legacy ACE; and \$12.5 million to International Business Machines (IBM) SRO, which provides infrastructure, software, and management support critical to the continued operation and maintenance of the ACE system.

CBP recognizes how critical our trade enforcement and facilitation role is in protecting our Nation's economic security. We are working to ensure a fair and competitive trade environment where the benefits of trade compliance exceed the costly consequences of violating U.S. trade law. In FY 2016, we supported domestic producers of products ranging from steel plates to solar panels to crawfish by collecting \$1.5 billion in cash deposits to secure anti-dumping duties on \$14 billion of imported goods. We continually seek to develop and implement ways to improve our business processes and strengthen our engagement with our international and private-sector partners. To this end, CBP proposes \$2.3 million in FY 2018 to expand trade transformation initiatives, including professional development initiatives and enhancing trade enforcement programs. Sharpening Trade Expertise is an enterprise-wide professional development initiative dedicated to strengthening the expertise of all employees engaged in the trade mission. Through targeted development and training programs, Sharpening Trade Expertise provides CBP trade staff with the support, engagement, and preparation needed for an ever-changing trade environment future.

Integrated Operations

We have been a key participant in the Department of Homeland Security's (DHS) Unity of Effort initiative, which aims to change the way DHS makes decisions within the Department and conducts operations. As part of this initiative, CBP is the lead component for DHS Joint Task Force-West (JTF-W), and a participating component in JTF-East, led by the U.S. Coast Guard and JTF-Investigations, led by U. S. Immigration and Customs Enforcement (ICE). The JTFs, launched as a pilot by DHS in early 2015, are strategically guided by the Southern Border and

Approaches Campaign Plan, which enhances the Department's operational approach to addressing comprehensive threat environments in a unified, integrated way. The FY 2018 Budget also realigns funding for 32 positions and \$6.2 million to JTF-W to better address the threats posed by Transnational Criminal Organizations (TCOs) to the safety and security of the United States. This funding will help ensure these unique collaborative efforts have the resources they need.

CBP has also been an active participant in the Joint Requirements Council. The Council consists of senior leaders from DHS components, and is organized in order to identify and recommend investments to maximize efficiency and enhance mission capabilities.

CBP's commitment to risk-based, intelligence-driven operations enables us to focus resources on a wide array of diverse threats ranging from networks of terrorism and transnational crime to individuals attempting illegal entry; from the illicit movement of weapons to the introduction of agricultural pests and diseases; from trafficking in drugs, weapons, and people to the transit of prohibited, restricted, and unsafe goods. CBP's application of risk management principles has enabled sound, timely operational planning and focused tactical execution against these diverse threats. CBP will continue to evolve our integrated risk management approach to remain agile and adaptable in supporting operational priorities.

The FY 2018 Budget supports an increase of \$3.1 million to fill 40 positions with the expertise needed to expand CBP's Office of Intelligence's (OI) mission critical operational capabilities and to align priorities with CBP's intelligence enterprise. The additional positions will augment the existing staff to support OI's ability to provide products on current threats, initiatives, and intelligence. Additionally, this support would enable CBP to develop agency-wide depth of knowledge aligned with Intelligence Community functions, including Counter-Intelligence, Confidential Human Source, Security, and Training.

The FY 2018 Budget provides \$1.4 million for OI's training division, \$900,000 for salaries and benefits and \$500,000 to fund Interagency Agreements and contractor support for delivery of content in various intelligence disciplines as well as travel associated with classes scheduled at field locations and at the Intelligence and Targeting Center of Excellence (ITCE) at the CBP Advanced Training Center in Harpers Ferry, West Virginia. The funding will support the maintenance of a self-sustaining and cost effective curriculum design and instruction team that will be able to meet the intelligence training requirements of the CBP workforce from all operational component offices in an effective and timely manner.

The FY 2018 Budget also calls for investments in air and marine capabilities to help AMO meet flight hour goals and readiness rates. CBP's comprehensive border security operations include the use of coordinated and integrated air and marine capabilities to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States. During FY 2016, CBP's Air and Marine Operations contributed to 4,303 arrests and the apprehension of 55,923 individuals, as well as the interdiction of 221,707 pounds of cocaine in the transit zone. AMO increases CBP's situational awareness, enhances our detection and interdiction capabilities, and extends our border security zones, offering greater capacity to stop threats prior to reaching the Nation's borders. These assets provide multi-domain awareness for our partners across DHS, as well as critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel.

CBP's layered approach to border security relies on a variety of resources, including fixed wing, rotary, and unmanned aircraft systems in the air domain, and patrol and interdiction vessels in the maritime environment. These assets provide critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel and multi-domain awareness for DHS.

The FY 2018 Budget seeks an increase of \$23.2 million to fund the initial hiring of 94 additional AMO personnel, to include 61 Air Interdiction Agents and 33 support personnel. This request will support implementation of the President's EOs on border security and the Secretary's subsequent February 20, 2017 memo, "Implementing the President's Border Security and Immigration Enforcement Improvement Policies." This increase is required to facilitate the increased operational tempo required to gain operational control of the Southern border. The positions are required to directly support the increased USBP and ICE agents provided in the Budget.

The FY 2018 Budget also seeks significant investments in our aircraft fleet. For example, the Budget includes \$55.5 million in FY 2018 to purchase two KA-350CER multirole enforcement aircraft (MEA). The MEA is the optimal sensor-equipped aircraft for surveillance operations in regions such as the Southern border, Northern border, and maritime environments where terrain, weather and distance pose significant obstacles to border security operations. The MEA further serve as a force multiplier for law enforcement and emergency response personnel, facilitating the rapid-response deployment of equipment, canines and people.

The Budget includes \$14.1 million in FY 2018 to purchase one UH-60 Medium Lift Helicopter (MLH). UH-60 Black Hawk helicopters are critical to border security operations, being the only helicopters with medium lift capability (8 agents with full gear). The UH-60 are rugged enough to support interdiction and life-saving operations in very hostile environments, and at high altitudes in the desert, over open water, and in extreme cold.

The FY 2018 Budget also includes \$43.4 million to purchase Light Enforcement Helicopters (LEH) in FY 2018. The LEH is a multi-mission helicopter used for aerial surveillance; providing tactical support; the transport and insertion of frontline personnel responding to illegal border incursions; serving search and arrest warrants; and patrol of high risk areas. These aircraft will help CBP carry out the President's EOs on border security, and enhance the physical security of our Northern, Southern, and maritime borders by providing improved air surveillance and support capabilities to USBP and our law enforcement partners.

The FY 2018 Budget includes \$18.1 million to fund the transition to AMO's new national maintenance contracts and improve the availability of critical aircraft systems and engines and flight hour increases associated with operation of new and upgraded aircraft. This includes \$4.2 million to transition from the current national maintenance contract to a follow-on contract; \$7.1 million to address safety, parts, and labor shortfalls; \$5 million to increase maintenance for certain critical aircraft systems and engines; and \$1.8 million for the operational tempo increases associated with newly delivered Medium Lift Helicopter and Multi-Role Enforcement Aircraft.

The FY 2018 Budget also proposes an increase of \$2.5 million for the Small Unmanned Aircraft Systems (SUAS) program. USBP requires a SUAS capability that can surveil locations between the POEs in remote, isolated, and inaccessible portions of the Nation's borders based on risk-

based operational needs. The SUAS needs to provide ground reconnaissance, surveillance and tracking capabilities to support the USBP surveillance tasks of predicting, detecting, tracking, identifying and classifying suspected items of interest. The ability to persistently and discreetly surveil remote areas along portions of the border is critical to USBP's ability to secure the border.

Additionally, the FY 2018 Budget provides support for the Tethered Aerostat Radar System program. The \$41.2 million requested will provide for the annual system operations, system upkeep, maintenance and supply of government personnel, and real property needs such as site and facility leases and expenses, for the full program. This funding will sustain the steady-state operations of the system while also retiring major threats from technical and program risks to system operations and health stemming from aging technology, diminishing manufacturing sources, and emerging regulatory requirements.

As physical barriers are erected, the various threats will inevitably adapt. Thus, the FY 2018 Budget also includes \$8.9 million for the Cross Border Tunnel Threat (CBTT) program. The CBTT program will strengthen border security effectiveness between POEs by diminishing the ability of TCOs to gain access into the United States through cross-border tunnels and the illicit use of underground municipal infrastructure. The CBTT program will acquire technologies and services that will close capability gaps, reducing the ability of TCOs to smuggle drugs, money, and people across the border. The CBTT program will invest in system procurement, including testing and evaluation, IT security, and engineering change proposals. These systems will help CBP predict potential tunnel locations; detect the presence of suspected tunnels and tunneling activities as well as project the trajectory of a discovered tunnel; confirm a tunnel's existence and location through mapping and measurements; and facilitate secure information sharing across all stakeholders.

Mission Support

The FY 2018 Budget funds an increase of \$100 million to begin hiring the 5,000 additional BPAs mandated by EO 13767 and supports the hiring of an additional 500 agents from current staffing levels. This initial hiring surge develops the foundation to increase operational control in certain key areas along the border.

The Budget also includes an increase of \$17.5 million to support efforts to continue and expand process improvements and add capacity to frontline hiring by focusing on efforts to attract qualified candidates and expedite their progress through the CBP hiring process. These improvements include \$2.2 million for recruiting and marketing strategies, \$8.0 million for our Hiring Transformation / Hubs program, and \$7.3 million for additional applicant processing. This funding supports the hiring activities that meet the objectives and intent of the EOs on border security, and is based on a multiyear hiring plan.

In pursuit of our hiring goals, CBP recruiters will participate in thousands of recruiting events, seeking to reach a diverse spectrum of applicants. We have developed a significant expertise identifying events and communications strategies that support implementation of our recruitment and marketing strategy. Recruitment at events for veterans and transitioning military personnel is a top priority. CBP will further refine data analysis techniques to identify and quantify the best

opportunities for recruitment success, and continue to leverage online hiring services as a low-cost means of identifying and reaching a wider pool of qualified applicants.

CBP's new frontline hiring process has led to significant reductions in the average time-to-hire—from 469 days in January 2016 to March 2017's average time-to-hire of fewer than 300 days. Indeed, many successful applicants are now able to move through the hiring process in approximately 160 days. Funding will provide the increase in contract services, and technology needed to continue this transformational effort and expand the new process across the entire frontline position applicant pool. As of April 2017 HRM is now processing all applicants through an expedited hiring model. We have made significant progress in reducing the time to hire.

CBP is also actively working to minimize attrition and fill positions in less desirable locations. The FY 2018 Budget includes \$30 million to support operational mobility, developmental assignments, and leadership relocations. Implementing a stable relocation program for the CBP workforce will help meet operational requirements and help to alleviate the lack of mobility significantly contributing to increased attrition across the workforce. CBP is thankful for the continued dedication of Members of Congress to working collaboratively with CBP to come up with solutions to this complicated challenge.

Congress has directed the Department to evaluate ways to improve the statutorily required polygraph program to improve the efficiency of the hiring process. Per the Congressional directive from the Explanatory Statement accompanying the FY 2017 Consolidated Appropriations Act concerning the alternative polygraph trial, CBP has also established a six-month pilot program that will allow the agency to establish a sample of applicant testing that can be measured against comparable data points from the previous test. This pilot was developed in collaboration with the National Center for Credibility Assessment which governs all federal polygraph programs.

Before making any determination to either continue with the piloted test or return to the previous test, CBP will carefully evaluate these metrics and measures to ensure CBP maintains its high standard of integrity for future applicants, and report to Congress per the directive. While the exam is a change in format, it retains all of the critical test topics of the previous exam and maintains CBP's commitment to high integrity standards for its personnel. CBP and the Department support the "Anti-Border Corruption Reauthorization Act of 2017," which was ordered reported as S. 595 by the Senate Homeland Security and Governmental Affairs Committee on May 17, 2017, and reported as H.R. 2213 by the House Homeland Security Committee on May 16, 2017. We thank the Members of Congress for your continued support as we seek to hire the men and women who will fulfill CBP's complex and crucial mission in the months and years to come.

Legislative Proposals

Finally, the FY 2018 Budget highlights some of the legislative priorities we hope to achieve with the help of Congress. For example, the Administration will submit legislative language to the relevant authorizing committees to enact the proposal to eliminate Brand USA and redirect the \$10 Electronic System for Travel Authorization (ESTA) surcharges to CBP for passenger processing expenses. CBP has also submitted a legislative proposal to create an \$8 Electronic Visa Update

System (EVUS) user fee based on a fee analysis that would function similarly to the ESTA operational processing fee. Once the authorizing proposal is enacted, CBP will no longer require appropriated funding to support the EVUS program.

CBP will also provide a legislative proposal to decrease the shortfall between the costs of CBP's immigration inspection activities and the collections received. Per the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), passenger inspection fee collections fund customs inspection activities that are mandated by law. The fee levels set in current law do not fully cover CBP's costs. CBP's funding strategies also include seeking Congressional support for a legislative proposal to increase current Immigration Inspection User Fees to recover more of the costs associated with providing immigration inspection services.

Conclusion

In closing, the challenges facing CBP and our Nation are considerable, but we have outstanding men and women working at CBP who are committed to protecting our Homeland and the American people. The FY 2018 President's Budget recognizes the serious and evolving threats and dangers our Nation faces each day. With the support of Congress, CBP continues to secure our Nation's borders, and promote international commerce and tourism, through a multi-layered approach using a variety of tools.

We want to thank the Members of this Subcommittee for your continued strong support of CBP. Thank you for the opportunity to appear before you today. We look forward to your questions.

Carla L. Provost

Acting Chief

*U.S. Border Patrol**U.S. Customs and Border Protection*

Carla L. Provost is the Acting Chief of the U.S. Border Patrol, located in Washington DC.

Acting Chief Provost entered on duty with the U.S. Border Patrol on January 8, 1995, as a member of U.S. Border Patrol Class 277. Her first assignment as a Border Patrol agent was at the Douglas Station in the Tucson Sector. She was subsequently promoted to Supervisory Border Patrol Agent in 1998, and to Field Operations Supervisor in 2001.

In 2006, she transferred to the Yuma Sector as Assistant Chief Patrol Agent. In 2009, she became the Patrol Agent in Charge of the Wellton Station in the Yuma Sector, and in 2011, she was appointed to the SES position of Deputy Chief Patrol Agent of the El Paso Sector.

In 2013, Acting Chief Provost became the Chief Patrol Agent of the El Centro Sector, where she led 1,200 employees and oversaw all operations within her area of responsibility. In 2015, she became the Deputy Assistant Commissioner of the Office of Professional Responsibility, where she oversaw compliance with all CBP-wide programs and policies relating to corruption, misconduct, or mismanagement. In 2016, Ms. Provost was selected as the Deputy Chief of the U.S. Border Patrol.

Among Acting Chief Provost's many accomplishments in her distinguished career, is her successful standup of CBP's Use of Force Center of Excellence, newly named the Law Enforcement Officer/Agent Safety and Compliance Directorate (LESC), which is responsible for the development and articulation of all CBP use of force policies and provides the agency with comprehensive and operational Use of Force programs. Acting Chief Provost also led the CBP-wide implementation of Comprehensive Use of Force Policy/Law Training, with 100 percent compliance by all CBP law enforcement-covered employees in support of the newly released Use of Force Policy. Acting Chief Provost served as an instructor for bike patrol units, firearms training, and post-academy law while stationed at the Tucson Sector, and while at the Yuma Sector, she directed sector budgets and human resources, and later oversaw all station operations.

Prior to joining the U.S. Border Patrol, Acting Chief Provost served for 2 1/2 years as a police officer with the Riley County Police Department in Manhattan, Kansas. She earned a Master of Science degree in National Resource Strategy from the Industrial College of the Armed Forces at the National Defense University in Washington, D.C., and a Bachelor of Science degree in Sociology/Criminal Justice from Kansas State University.

Mr. CARTER. Mr. Wagner.

Mr. WAGNER. Thank you, Chairman Carter, Ranking Member Roybal-Allard, and members of the subcommittee. It is an honor to appear before you today. This committee has been a great supporter of CBP, which has really helped the men and women of our organization achieve a complex mission.

So as deputy executive assistant commissioner in the office of field operations, I am responsible for more than 29,000 employees, including more than 24,000 CBP officers and CBP agriculture specialists at our nation's 300-plus ports of entry in the air, land and sea environments.

These dedicated men and women use state-of-the-art technology, intelligence, risk information and targeting results, coupled with their well honed law enforcement techniques and skills to prevent dangerous people and contraband from entering the United States. They do all this while enabling the movement of legitimate international trade and travel.

The fiscal year 2018 budget supports these efforts by ensuring the men and women of CBP have the resources they need to get the job done. Last fiscal year, CBP officers inspected over 390 million travelers and arrested over 8,000 individuals wanted for serious crimes.

CBP officers also stopped nearly 275,000 inadmissible aliens from entering the United States, which was an increase of 7.6 percent from fiscal year 2015.

The reasons for this range from immigration violations to criminal violations and national security concerns. The fiscal year 2018 budget, which includes funding to improve intelligence and targeting capabilities related to the screening and vetting of immigration populations to international travelers will enhance CBP's ability to secure our borders and keep America safe.

The budget requests include an increase of \$14.5 million to expand staffing at CBP's National Targeting Center by 93 positions. Sixty-three of these positions are CBP officers and the remaining are support positions to conduct activities such as the vetting of travelers and cargo, as well as our counter-network activities.

The National Targeting Center operates 24 hours a day, 7 days a week. Their mission is to effectively identify passengers and cargo that may pose a threat in all international modes of transportation and ensure those threats are addressed in a sufficient manner at the earliest possible opportunity.

Effective targeting and interdiction prevents inadmissible high-risk passengers, cargo and agriculture, as well as bioterrorism threats from reaching the United States. This ensures our borders are the last line of defense rather than the first.

The budget request also includes \$54.9 million for the National Targeting Center to build up better analytical systems and enhance vetting platforms to support—in support of our counter-network strategy.

In the area of non-intrusive inspection technology, the fiscal year 2018 budget proposes \$109.2 million to build upon prior years' investments in our current small-scale and large-scale fleet. CBP officers use this technology to scan for the presence of radiological or nuclear materials in 100 percent of mail and express consignment

mail and parcels, 100 percent of truck cargo, and personally owned vehicles arriving from Canada and Mexico, and nearly 100 percent of all arriving maritime containerized cargo.

CBP officers also use this technology to examine cargo conveyances such as sea containers, commercial trucks, and railcars and privately owned vehicles for the presence of contraband without physically opening or unloading them.

Fiscal year 2016, CBP utilized over 300 large-scale nonintrusive inspection systems to image approximately 6.5 million cargo or conveyances in the land, air and sea ports of entry, resulting in our seizing of over 355,000 pounds of narcotics and more than \$3.9 million in U.S. currency.

More than 8,000 additional officers, at a labor cost of approximately \$1 billion would have been required if physical examinations had been conducted.

The fiscal year 2018 proposed funding will allow CBP to remain on track to ensure our nonintrusive inspection fleet is operating within its service life by fiscal year 2024. The funding will support replacement of 52 large-scale systems and about 600 small-scale systems.

We will deploy these systems where they are best supported by the operational needs and the physical environment. CBP will deploy mostly what we call Z portal systems, that have a proven track record of reliably helping our officers detect contraband at the borders.

So I want to thank members of the subcommittee for your continued support of CBP and for the opportunity to appear before you today, and I am happy to answer any of your questions.

[The information follows:]



TESTIMONY OF

CARLA PROVOST
Acting Chief
U.S. Border Patrol
U.S. Customs and Border Protection

and

JOHN WAGNER
Deputy Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

BEFORE

House Appropriations Committee
Subcommittee on Homeland Security

ON

“Fiscal Year 2018 Budget Request”

June 13, 2017
Washington, DC

Introduction

Chairman Carter, Ranking Member Roybal-Allard, Members of the Subcommittee, it is an honor to appear before you today. As America's unified border agency, U.S. Customs and Border Protection (CBP) protects the United States from terrorist threats and prevents the illegal entry of inadmissible persons and contraband, while facilitating lawful travel and trade. CBP works tirelessly to detect illicit trafficking of people, drugs, weapons, and money, while facilitating the flow of cross-border commerce and tourism. The President's Fiscal Year (FY) 2018 Budget includes \$13.9 billion to help enable CBP to achieve our complex mission with the right combination of talented and dedicated personnel, intelligence-driven and risk-based strategies, collaborative partnerships, and advanced technology.

The border environment in which CBP works is dynamic and requires continual adaptation to respond to emerging threats and rapidly changing conditions. We are proud of CBP's dedicated men and women, who have advanced CBP's situational awareness of the border environment, and who continue to meet these challenges with integrity and commitment.

Two years ago CBP announced the *CBP Vision and Strategy 2020*, CBP's first comprehensive strategic plan for our agency in nearly a decade. The plan acknowledges the complexity of the CBP mission in an increasingly challenging border environment and provides a roadmap for the way forward by focusing efforts on collaboration, innovation, and integration in meeting our mission goals to:

- combat terrorism and transnational crime;
- advance comprehensive border security and border management;
- enhance U.S. economic competitiveness by enabling trade and travel; and
- promote organizational integration, innovation, and agility.

The last mission goal listed above – promote organizational integration, innovation, and agility – has led us over the last year to make many changes and much progress as we restructure our fiscal, operational, and institutional management to better align our resources with our missions.

To promote organizational efficiencies within CBP, it was announced two years ago that CBP would realign the agency's headquarters structure to better support our personnel in fulfilling CBP's critical mission. These changes emphasize the delegation of authority, more defined and accountable decision-making, and improved span of control for management. While CBP's operational offices – Office of Field Operations (OFO), U.S. Border Patrol (USBP), Air and Marine Operations (AMO), and the Office of Trade (OT) – remain as key Offices within CBP, the new structure identifies and addresses the strengths and weaknesses of our most critical infrastructure, and supports working towards integrated and comprehensive solutions to issues and challenges. We measure the success of this effort by our ability to support the front lines – our ability to identify requirements and to manage resources effectively. CBP's realignment is allowing us to streamline process flows and create efficiencies for the agency.

Implementing the President's Executive Orders

As President Trump has stated, "Homeland Security is in the business of saving lives, and that mandate will guide our actions." Through a series of Executive Orders (EOs), the President has taken steps to enhance border security, promote public safety, minimize the threat of terrorist attacks by foreign nationals, and protect American workers from unfair foreign competition. The FY 2018 Budget proposes significant investments to support all of those goals while implementing the EOs.

In January, the President signed the Executive Order entitled *Border Security and Immigration Enforcement Improvements* (EO 13767). Included in the Budget is a total of \$2.6 billion in enhancements in high-priority border security technology, tactical infrastructure, assets, and equipment, including \$1.6 billion for a border wall system and support infrastructure and personnel; \$975 million for border security technology, assets, and equipment. Additionally, the Budget provides \$100 million to hire 500 additional Border Patrol Agents (BPA), the initial hiring surge for the 5,000 additional agents required by this EO.

The Budget also includes \$55 million to help CBP implement initiatives directed by EO 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, specifically to improve intelligence and targeting capabilities related to the screening and vetting of immigration populations and international travelers, in accordance with Section 5 of the EO.¹ These resources will also support the efforts related to EO 13767.

Finally, the Budget includes \$30 million to help CBP meet the legislative mandates to implement the Trade Facilitation and Trade Enforcement Act (TFTEA), as well as the *Omnibus Report on Significant Trade Deficits* called for by EO 13786.

Securing America's Borders

Along the more than 5,000 miles of border with Canada; 1,900 miles of border with Mexico; and approximately 95,000 miles of shoreline, CBP is responsible for preventing the illegal entry of people and contraband at and between the Ports of Entry (POEs). CBP's USBP and AMO agents patrol our Nation's borders and associated airspace and maritime approaches to prevent illegal entry of people and goods into the United States. CBP officers (CBPOs) and agriculture specialists (CBPAS) are multi-disciplined and perform the full range of inspection, intelligence analysis, examination, and law enforcement activities relating to the arrival and departure of persons, conveyances, and merchandise at air, land, and sea POEs.

EO 13767 directs executive departments and agencies to deploy all lawful means to secure the Nation's Southern border, prevent further illegal immigration into the United States, and repatriate aliens with final orders of removal swiftly, consistently, and humanely. EO 13767 also establishes the foundation for securing our Southern border by directing the tools, resources, and policy goals for CBP's dedicated men and women who are responsible for preventing illegal immigration, drug smuggling, human trafficking, and acts of terrorism. In accordance with existing law, CBP has

¹Sec. 5. "Implementing Uniform Screening and Vetting Standards for All Immigration Programs" per <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>

already begun to take all appropriate steps to plan, design, and construct a physical wall, using the materials and technology that will most effectively achieve operational control of the Southern border.

The FY 2018 Budget provides \$1.6 billion for 32 miles of new border wall system and 28 miles of new levee wall in Rio Grande Valley Sector, as well as 14 miles of secondary border wall system in San Diego Sector. Tactical infrastructure, including physical barriers, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southern border. It is undeniable that border barriers have enhanced – and will continue to enhance – CBP's operational capabilities by creating persistent impedance, and facilitating the deterrence and prevention of successful illegal entries. CBP plans to deploy border wall system in a multi-phased approach that meets USBP's operational requirements, safeguards national security and public safety, and is the result of thorough analysis of threat, cost, and mission effectiveness.

The land along the border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Today we have several types of barriers, to include steel bollard and levee wall, along nearly one-third, or 654 miles, of the Southwest border.

CBP is prioritizing investments and geographic areas across the Southwest border, leveraging the USBP's annual, full spectrum requirements analysis process to identify needs related to domain awareness, impedance and denial, access and mobility, and mission readiness. Throughout the planning, designing, and construction process, CBP will complete project, budget, real estate, and environmental planning to ensure available resource capacity. CBP will leverage expertise in federal acquisition to maximize transparency and accountability and to ensure the most effective and efficient solutions are deployed to meet requirements, in accordance with the established DHS acquisition framework and acquisition review board oversight.

CBP is seeking to build on the successes of and lessons learned from the installation and operation of existing barriers to deploy a system that addresses dynamic cross-border threats. CBP is working with industry and partnering with the U.S. Army Corp of Engineers to potentially incorporate additional alternative barrier designs that may include a concrete base or other innovative solutions into our border barrier toolkit. Border barrier and levee wall systems are comprehensive solutions that include a concentrated combination of various types of infrastructure such as wall, fence, all-weather roads, lighting, enforcement cameras, and other related technology. The strategic deployment of these capabilities along the border will provide USBP's frontline agents with the tools they need to deter and prevent successful illegal entries.

CBP is committed to ensuring that all stakeholder communities, to include Congress, federal partners, state, local, and tribal officials, and the impacted communities, are informed throughout this process.

Response to Migrant Surges

Thanks to this Subcommittee's support, the Nation's long-term investment in border security has produced significant and positive results. With the support and direction of President Trump and Secretary Kelly, we are already seeing an unprecedented improvement in the posture of our

Southwest border. Since January 2017, the number of illegal aliens we have apprehended on the Southwest border has drastically decreased, indicating a significant decrease in the number of aliens attempting to illegally enter the country. The number of illegal aliens apprehended in April 2017 was more than 60 percent lower than January apprehensions and close to 70 percent lower than the same time last year.²

During FY 2016, over 415,816 illegal aliens from Central America and Mexico – including over 137,614 unaccompanied alien children (UAC) and alien families – were apprehended along our Southwest border. While more than 16,000 family units were apprehended at the border in December of 2016, only 1,119 family units were apprehended in April of 2017.³

Although the numbers have recently declined, UAC and other immigrant flows are difficult to predict and another surge is always a possibility. The simple fact is that now is the time to make further, substantial improvements to our southwest border security, as these could be fleeting improvements if the perception of our southern border security returns to what it was before January 2017. We must remain prepared for apprehension numbers to climb again as quickly as they have fallen.

Investments in Mobile Tactical Equipment

CBP's border security mission regularly requires BPAs and CBPOs to operate in diverse and remote locations where tactical communication, transportation, and surveillance capabilities are essential to coordinating mission activities and protecting the safety of CBP law enforcement personnel. For agents and officers operating in remote areas, their radios are often their only means of communication to coordinate activities or request assistance. For USBP, radios are the single most essential piece of equipment for frontline agents – a BPA may not deploy to the field without a functioning radio.

CBP operates and maintains a tactical radio inventory of more than 70,000 units, utilized by CBP's frontline law enforcement personnel. More than 25,000 units of CBP's radio inventory have exceeded their useful life and are no longer supported by the manufacturer. The FY 2018 Budget seeks \$29.3 million to purchase the equipment for USBP and AMO Tactical Air Land and Marine Enterprise Communications (TALMEC), including the acquisition of modern and secure radio and satellite communication technology that will provide communication reliability and security for CBP frontline law enforcement and flexibility for agents and officers to communicate with state and local law enforcement agencies as well as Mexican authorities.

The FY 2018 Budget includes \$60.3 million to provide for the acquisition of vehicles. CBP's vehicle lifecycle management process⁴ is especially important as vehicles become older and less reliable, while mission demands continue. Reductions in vehicle performance and/or reliability may place an undue burden on law enforcement personnel executing mission requirements. These investments, to include recapitalizing aging radios and vehicles, will enable agents to respond to and resolve incidents and incursions more efficiently, effectively and safely.

² Per <https://www.cbp.gov/newsroom/stats/sw-border-migration>

³ Per <https://www.cbp.gov/newsroom/stats/sw-border-migration>

⁴ The General Services Administration's recommended vehicle replacement standard is five years.

Technology Investments between Ports of Entry

The FY 2018 Budget will also enable the continued deployment of proven, effective technology to strengthen border security operations between the ports – in the land, air, and maritime environments. With the deployment of fixed and mobile surveillance capabilities, CBP can gain situational awareness remotely, direct a response team to the best interdiction location, and warn them of any additional danger otherwise unknown along the way. Investment in this area will support CBP's efforts to implement the President's EOs on border security and to maintain operational control of the Southern border through improved situational awareness.

CBP's Tactical Aerostats and Re-locatable Towers Program, originally part of the Department of Defense (DOD) Re-use program, uses a mix of aerostats, towers, cameras, and radars to provide USBP with advanced surveillance capabilities over a wide area. This technology has proven to be a vital asset in increasing CBP's ability to detect, identify, classify, and track illegal activity. Furthermore, since initial deployment, these systems have been responsible for the detection of more than 180,000 illegal border incursions of aliens and smugglers, leading to the seizure of approximately 180 tons of narcotics and related contraband headed towards our Nation's cities and neighborhoods. As of April 2017, USBP agents, with the assistance of existing aerostats and re-locatable towers, have seized 62 tons of narcotics, and caught more than 20,000 illegal border crossers detected in aerostat locations during FY 2017. The FY 2018 Budget includes \$34.8 million in FY 2018 for the Tactical Aerostats and Re-locatable Towers Program to fund continued operations and maintenance costs.

Another proven border security technology, Integrated Fixed Towers (IFT), assists BPAs in detecting, tracking, identifying, and classifying items of interest along our Nation's borders through a series of fixed surveillance towers and equipment that display information on workstations in command and control centers. CBP requires \$22.4 million in FY 2018 for the IFT program for operations and maintenance. In addition, CBP proposes \$17.4 million in FY 2018 for procurement, construction, and improvements towards the IFT program.

Remote Video Surveillance Systems (RVSS) are another fixed technology asset used in select areas along the Southwest and Northern borders. These systems provide short-, medium-, and long-range persistent surveillance mounted on stand-alone towers, or other structures. The RVSS uses cameras, radio, and transmitters to send video to a control room. This enables a control room operator to remotely detect, identify, classify and track targets using the video feed. The RVSS deployment planned as part of the Arizona Technology Plan is now complete, and CBP is presently working to expand the RVSS capability to other high-priority areas along the Southwest border. The FY 2018 Budget includes \$20.0 million in FY 2018 to sustain RVSS. An additional \$46.2 million is provided for procurement, construction, and improvements. This funding will be used to support the deployment of the RVSS capability to the Rio Grande Valley Sector.

Mobile Video Surveillance Systems (MVSS) consist of short- and medium-range mobile surveillance equipment that is mounted on USBP vehicles. An agent deploys with the system, which helps agents detect, track, identify, and classify items of interest using the MVSS video feed. The agent observes activity on the video monitors to detect intrusions and assist other agents in responding to those intrusions. The FY 2018 Budget includes \$3.2 million to provide operation

and sustainment for MVSS, and an additional \$1.6 million for procurement, construction, and improvements to fulfill operational needs on the Southern and Northern borders.

As we continue to deploy border surveillance technology and other operational assets, particularly along the Southwest border, the Subcommittee's support of these investments allows CBP the flexibility to shift more frontline personnel from detection duties to interdiction of illegal activities on our borders. The FY 2018 budget supports CBP's border security mission by increasing and enhancing border security technology including mobile assets, air and marine capabilities, and initiatives to increase efficiency and effectiveness.

Securing and Expediting Trade and Travel

At our Nation's 328 land, air, and sea POEs, CBP prevents dangerous people and contraband from entering the United States, while facilitating the lawful flow of international trade and travel by using a combination of personnel, technology, intelligence, risk information, targeting, and international cooperation. CBP extends the U.S. zone of security beyond our physical borders through bilateral cooperation with other nations, private-sector partnerships, expanded targeting, and advance scrutiny of information on people and goods seeking to enter this country.

CBP's travel and trade security operations use a risk-based approach, applying rigorous information analysis and targeting to identify the greatest threats and risks. CBP proposes an increase of \$54.9 million in FY 2018 for improved intelligence and targeting capabilities, including an increase of \$14.5 million to expand staffing at CBP's National Targeting Center (NTC). This increase will also enhance NTC analytical modeling capabilities and provide for additional equipment. The NTC operates 24 hours a day with the mission of collaborating with federal, state, local, and international partners to effectively identify, target, screen, and interdict inbound and outbound passengers and cargo across all international modes of transportation that pose a threat to national security, public safety, agriculture, lawful trade, and safe travel. Effective targeting and interdiction prevents inadmissible high-risk passengers, cargo, and agriculture / bioterrorism threats from reaching U.S. POEs, thereby extending our border security initiatives outward and making our borders the last line of defense rather than the first line of defense.

The FY 2018 Budget continues substantial investment in Non-Intrusive Inspection (NII) technology that enables CBP to detect materials that pose significant nuclear and radiological threat. Utilizing Radiation Portal Monitors (RPMs), as well as Radiation Isotope Identification Devices, and Personal Radiation Detectors, which are deployed nationwide at our POEs, CBP is able to scan 100 percent of all mail and express consignment mail and parcels; 100 percent of all truck cargo and personally owned vehicles arriving from Canada and Mexico; and nearly 100 percent of all arriving maritime containerized cargo for the presence of radiological or nuclear materials.

Using NII imaging equipment, CBPOs can also examine cargo conveyances such as sea containers, commercial trucks, and rail cars, as well as privately owned vehicles, for the presence of contraband without physically opening or unloading them. NII technologies – both radiological detection and imaging – are force multipliers that enable CBP to screen or examine a larger portion of the stream of commercial traffic while facilitating the flow of legitimate trade, cargo, and passengers.

In FY 2016, CBP utilized more than 300 large-scale (LS) NII systems to image approximately 6.5 million cargo or conveyances across CBP's 328 land, sea, and air POEs, resulting in CBPOs seizing more than 355,000 pounds of narcotics and more than \$3.9 million in U.S. currency. More than 8,000 additional officers at a labor cost of approximately \$1 billion would have been required if physical examinations were conducted. The Budget proposes \$109.2 million to build upon prior year investments and will be used to recapitalize the current small-scale (SS) and LS NII technology fleet. This funding will allow CBP to remain on track to ensure the NII fleet is operating within its service life by FY 2024, and will help CBP continue to use NII to safely, quickly, and effectively detect a wide range of contraband imported using a variety of conveyances, thereby facilitating lawful trade and travel.

As mentioned above, another key role played by CBP in securing our borders is the interdiction of narcotics. In FY 2016, CBPOs and BPAs seized and/or disrupted more than 3.3 million pounds of narcotics across the country⁵ including approximately 46,000 pounds of methamphetamine and 4,800 pounds of heroin. CBP heroin seizures by weight rose 43 percent from approximately 4,217 pounds in FY 2012 to approximately 5,981 pounds in FY 2015. The majority of heroin seizures occur at the Southwest border: 82 percent of all CBP heroin seizures between FYs 2012-2016. CBP seizures of fentanyl remain relatively small compared to heroin, but have significantly increased over the past three years, from approximately two pounds seized in FY 2013 to approximately 440 pounds seized in FY 2016. Fentanyl is the most frequently seized illicit synthetic opioid, but CBP has also encountered various types of fentanyl analogues.⁶

CBP seizures of cocaine have remained steady between FYs 2012-2016 averaging approximately 200,000 pounds of cocaine seized each fiscal year. By funding the right mix of people, technology, and infrastructure, the FY 2018 Budget will help CBP continue to work to secure our borders and keep illegal narcotics out of the hands of the American people.

CBP also has the responsibility to enhance the Nation's economic competitiveness and security by efficiently and effectively processing goods and people across our borders. This is crucial to promoting job growth and helping the private sector remain globally competitive today and in the future. The FY 2018 Budget includes \$263.3 million for OT to support CBP's implementation of TFTEA; implement the President's EO 13785, *Establishing Enhanced Collection and Enforcement of Antidumping and Countervailing Duties and Violations of Trade and Customs Laws*; and meet other needs to fulfill our trade mission outlined below.

CBP proposes an increase of \$29.8 million to support 140 new positions to provide for new services mandated by TFTEA, which was enacted on February 24, 2016. The law specifies new trade facilitation and enforcement operational requirements, organizational changes, and new authorities and services. One of the most impactful pieces of trade legislation for CBP in more than a generation, TFTEA includes substantial changes to trade enforcement, particularly in the area of Anti-dumping and Countervailing Duties; establishing processes for investigating claims

⁵ FY 2016 Border Security Report, U.S. Customs and Border Protection,

<https://www.cbp.gov/sites/default/files/assets/documents/2016-Dec/CBP-fy2016-border-security-report.pdf>

⁶ These include: acetylfentanyl, butyrylfentanyl, beta-hydroxythiofentanyl, para-fluorobutyrylfentanyl, pentanoylfentanyl, alpha-methyl acetylfentanyl, para-fluoroisobutyrylfentanyl, para-fluorofentanyl, carfentanil, furanylfentanyl, and most recently benzodioxolefentanyl, acrylfentanyl, and methoxyacetylfentanyl.

of evasion of anti-dumping orders; using donations of technology from the private sector for enforcing intellectual property rights; and simplifying drawback processing to spur domestic manufacturing and exports.

Another substantial mandate within TFTEA is the Enforce and Protect Act (EAPA), which allows a party to submit an allegation of dumping circumvention to CBP, and grants CBP new authorities to make adverse decisions against an importer based on the lack of response or an incomplete response to an inquiry. CBP is mandated to initiate and pursue EAPA allegations within certain timeframes, and demand for these services is growing despite the lack of necessary staffing. There are many other substantial mandates which CBP must implement. These 140 new positions will enable OT to fully address TFTEA mandates in both a timely manner and without impacting the core mission and operations of CBP's trade mission.

Also with the strong support of this Subcommittee, CBP is completing the development of core trade processing capabilities in the Automated Commercial Environment (ACE). ACE is the "Single Window" through which all import and export data are reported by industry to more than 47 partner government agencies, eliminating more than 200 different forms and streamlining trade processes. In FY 2018 ACE will transition from development to sustainment. To facilitate this transition CBP proposes an increase of \$45.1 million in FY 2018 for ACE Core Functionality. This includes \$9.1 million for software sustainment; \$12.2 million to provide ACE disaster recovery to ensure continuity of operations through the use of a robust "cloud solution"; \$11.3 million to decommission code currently on legacy ACE; and \$12.5 million to International Business Machines (IBM) SRO, which provides infrastructure, software, and management support critical to the continued operation and maintenance of the ACE system.

CBP recognizes how critical our trade enforcement and facilitation role is in protecting our Nation's economic security. We are working to ensure a fair and competitive trade environment where the benefits of trade compliance exceed the costly consequences of violating U.S. trade law. In FY 2016, we supported domestic producers of products ranging from steel plates to solar panels to crawfish by collecting \$1.5 billion in cash deposits to secure anti-dumping duties on \$14 billion of imported goods. We continually seek to develop and implement ways to improve our business processes and strengthen our engagement with our international and private-sector partners. To this end, CBP proposes \$2.3 million in FY 2018 to expand trade transformation initiatives, including professional development initiatives and enhancing trade enforcement programs. Sharpening Trade Expertise is an enterprise-wide professional development initiative dedicated to strengthening the expertise of all employees engaged in the trade mission. Through targeted development and training programs, Sharpening Trade Expertise provides CBP trade staff with the support, engagement, and preparation needed for an ever-changing trade environment future.

Integrated Operations

We have been a key participant in the Department of Homeland Security's (DHS) Unity of Effort initiative, which aims to change the way DHS makes decisions within the Department and conducts operations. As part of this initiative, CBP is the lead component for DHS Joint Task Force-West (JTF-W), and a participating component in JTF-East, led by the U.S. Coast Guard and JTF-Investigations, led by U. S. Immigration and Customs Enforcement (ICE). The JTFs, launched as a pilot by DHS in early 2015, are strategically guided by the Southern Border and

Approaches Campaign Plan, which enhances the Department's operational approach to addressing comprehensive threat environments in a unified, integrated way. The FY 2018 Budget also realigns funding for 32 positions and \$6.2 million to JTF-W to better address the threats posed by Transnational Criminal Organizations (TCOs) to the safety and security of the United States. This funding will help ensure these unique collaborative efforts have the resources they need.

CBP has also been an active participant in the Joint Requirements Council. The Council consists of senior leaders from DHS components, and is organized in order to identify and recommend investments to maximize efficiency and enhance mission capabilities.

CBP's commitment to risk-based, intelligence-driven operations enables us to focus resources on a wide array of diverse threats ranging from networks of terrorism and transnational crime to individuals attempting illegal entry; from the illicit movement of weapons to the introduction of agricultural pests and diseases; from trafficking in drugs, weapons, and people to the transit of prohibited, restricted, and unsafe goods. CBP's application of risk management principles has enabled sound, timely operational planning and focused tactical execution against these diverse threats. CBP will continue to evolve our integrated risk management approach to remain agile and adaptable in supporting operational priorities.

The FY 2018 Budget supports an increase of \$3.1 million to fill 40 positions with the expertise needed to expand CBP's Office of Intelligence's (OI) mission critical operational capabilities and to align priorities with CBP's intelligence enterprise. The additional positions will augment the existing staff to support OI's ability to provide products on current threats, initiatives, and intelligence. Additionally, this support would enable CBP to develop agency-wide depth of knowledge aligned with Intelligence Community functions, including Counter-Intelligence, Confidential Human Source, Security, and Training.

The FY 2018 Budget provides \$1.4 million for OI's training division, \$900,000 for salaries and benefits and \$500,000 to fund Interagency Agreements and contractor support for delivery of content in various intelligence disciplines as well as travel associated with classes scheduled at field locations and at the Intelligence and Targeting Center of Excellence (ITCE) at the CBP Advanced Training Center in Harpers Ferry, West Virginia. The funding will support the maintenance of a self-sustaining and cost effective curriculum design and instruction team that will be able to meet the intelligence training requirements of the CBP workforce from all operational component offices in an effective and timely manner.

The FY 2018 Budget also calls for investments in air and marine capabilities to help AMO meet flight hour goals and readiness rates. CBP's comprehensive border security operations include the use of coordinated and integrated air and marine capabilities to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States. During FY 2016, CBP's Air and Marine Operations contributed to 4,303 arrests and the apprehension of 55,923 individuals, as well as the interdiction of 221,707 pounds of cocaine in the transit zone. AMO increases CBP's situational awareness, enhances our detection and interdiction capabilities, and extends our border security zones, offering greater capacity to stop threats prior to reaching the Nation's borders. These assets provide multi-domain awareness for our partners across DHS, as well as critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel.

CBP's layered approach to border security relies on a variety of resources, including fixed wing, rotary, and unmanned aircraft systems in the air domain, and patrol and interdiction vessels in the maritime environment. These assets provide critical aerial and maritime surveillance, interdiction, and operational assistance to our ground personnel and multi-domain awareness for DHS.

The FY 2018 Budget seeks an increase of \$23.2 million to fund the initial hiring of 94 additional AMO personnel, to include 61 Air Interdiction Agents and 33 support personnel. This request will support implementation of the President's EOs on border security and the Secretary's subsequent February 20, 2017 memo, "Implementing the President's Border Security and Immigration Enforcement Improvement Policies." This increase is required to facilitate the increased operational tempo required to gain operational control of the Southern border. The positions are required to directly support the increased USBP and ICE agents provided in the Budget.

The FY 2018 Budget also seeks significant investments in our aircraft fleet. For example, the Budget includes \$55.5 million in FY 2018 to purchase two KA-350CER multirole enforcement aircraft (MEA). The MEA is the optimal sensor-equipped aircraft for surveillance operations in regions such as the Southern border, Northern border, and maritime environments where terrain, weather and distance pose significant obstacles to border security operations. The MEA further serve as a force multiplier for law enforcement and emergency response personnel, facilitating the rapid-response deployment of equipment, canines and people.

The Budget includes \$14.1 million in FY 2018 to purchase one UH-60 Medium Lift Helicopter (MLH). UH-60 Black Hawk helicopters are critical to border security operations, being the only helicopters with medium lift capability (8 agents with full gear). The UH-60 are rugged enough to support interdiction and life-saving operations in very hostile environments, and at high altitudes in the desert, over open water, and in extreme cold.

The FY 2018 Budget also includes \$43.4 million to purchase Light Enforcement Helicopters (LEH) in FY 2018. The LEH is a multi-mission helicopter used for aerial surveillance; providing tactical support; the transport and insertion of frontline personnel responding to illegal border incursions; serving search and arrest warrants; and patrol of high risk areas. These aircraft will help CBP carry out the President's EOs on border security, and enhance the physical security of our Northern, Southern, and maritime borders by providing improved air surveillance and support capabilities to USBP and our law enforcement partners.

The FY 2018 Budget includes \$18.1 million to fund the transition to AMO's new national maintenance contracts and improve the availability of critical aircraft systems and engines and flight hour increases associated with operation of new and upgraded aircraft. This includes \$4.2 million to transition from the current national maintenance contract to a follow-on contract; \$7.1 million to address safety, parts, and labor shortfalls; \$5 million to increase maintenance for certain critical aircraft systems and engines; and \$1.8 million for the operational tempo increases associated with newly delivered Medium Lift Helicopter and Multi-Role Enforcement Aircraft.

The FY 2018 Budget also proposes an increase of \$2.5 million for the Small Unmanned Aircraft Systems (SUAS) program. USBP requires a SUAS capability that can surveil locations between the POEs in remote, isolated, and inaccessible portions of the Nation's borders based on risk-

based operational needs. The SUAS needs to provide ground reconnaissance, surveillance and tracking capabilities to support the USBP surveillance tasks of predicting, detecting, tracking, identifying and classifying suspected items of interest. The ability to persistently and discreetly surveil remote areas along portions of the border is critical to USBP's ability to secure the border.

Additionally, the FY 2018 Budget provides support for the Tethered Aerostat Radar System program. The \$41.2 million requested will provide for the annual system operations, system upkeep, maintenance and supply of government personnel, and real property needs such as site and facility leases and expenses, for the full program. This funding will sustain the steady-state operations of the system while also retiring major threats from technical and program risks to system operations and health stemming from aging technology, diminishing manufacturing sources, and emerging regulatory requirements.

As physical barriers are erected, the various threats will inevitably adapt. Thus, the FY 2018 Budget also includes \$8.9 million for the Cross Border Tunnel Threat (CBTT) program. The CBTT program will strengthen border security effectiveness between POEs by diminishing the ability of TCOs to gain access into the United States through cross-border tunnels and the illicit use of underground municipal infrastructure. The CBTT program will acquire technologies and services that will close capability gaps, reducing the ability of TCOs to smuggle drugs, money, and people across the border. The CBTT program will invest in system procurement, including testing and evaluation, IT security, and engineering change proposals. These systems will help CBP predict potential tunnel locations; detect the presence of suspected tunnels and tunneling activities as well as project the trajectory of a discovered tunnel; confirm a tunnel's existence and location through mapping and measurements; and facilitate secure information sharing across all stakeholders.

Mission Support

The FY 2018 Budget funds an increase of \$100 million to begin hiring the 5,000 additional BPAs mandated by EO 13767 and supports the hiring of an additional 500 agents from current staffing levels. This initial hiring surge develops the foundation to increase operational control in certain key areas along the border.

The Budget also includes an increase of \$17.5 million to support efforts to continue and expand process improvements and add capacity to frontline hiring by focusing on efforts to attract qualified candidates and expedite their progress through the CBP hiring process. These improvements include \$2.2 million for recruiting and marketing strategies, \$8.0 million for our Hiring Transformation / Hubs program, and \$7.3 million for additional applicant processing. This funding supports the hiring activities that meet the objectives and intent of the EOs on border security, and is based on a multiyear hiring plan.

In pursuit of our hiring goals, CBP recruiters will participate in thousands of recruiting events, seeking to reach a diverse spectrum of applicants. We have developed a significant expertise identifying events and communications strategies that support implementation of our recruitment and marketing strategy. Recruitment at events for veterans and transitioning military personnel is a top priority. CBP will further refine data analysis techniques to identify and quantify the best

opportunities for recruitment success, and continue to leverage online hiring services as a low-cost means of identifying and reaching a wider pool of qualified applicants.

CBP's new frontline hiring process has led to significant reductions in the average time-to-hire—from 469 days in January 2016 to March 2017's average time-to-hire of fewer than 300 days. Indeed, many successful applicants are now able to move through the hiring process in approximately 160 days. Funding will provide the increase in contract services, and technology needed to continue this transformational effort and expand the new process across the entire frontline position applicant pool. As of April 2017 HRM is now processing all applicants through an expedited hiring model. We have made significant progress in reducing the time to hire.

CBP is also actively working to minimize attrition and fill positions in less desirable locations. The FY 2018 Budget includes \$30 million to support operational mobility, developmental assignments, and leadership relocations. Implementing a stable relocation program for the CBP workforce will help meet operational requirements and help to alleviate the lack of mobility significantly contributing to increased attrition across the workforce. CBP is thankful for the continued dedication of Members of Congress to working collaboratively with CBP to come up with solutions to this complicated challenge.

Congress has directed the Department to evaluate ways to improve the statutorily required polygraph program to improve the efficiency of the hiring process. Per the Congressional directive from the Explanatory Statement accompanying the FY 2017 Consolidated Appropriations Act concerning the alternative polygraph trial, CBP has also established a six-month pilot program that will allow the agency to establish a sample of applicant testing that can be measured against comparable data points from the previous test. This pilot was developed in collaboration with the National Center for Credibility Assessment which governs all federal polygraph programs.

Before making any determination to either continue with the piloted test or return to the previous test, CBP will carefully evaluate these metrics and measures to ensure CBP maintains its high standard of integrity for future applicants, and report to Congress per the directive. While the exam is a change in format, it retains all of the critical test topics of the previous exam and maintains CBP's commitment to high integrity standards for its personnel. CBP and the Department support the "Anti-Border Corruption Reauthorization Act of 2017," which was ordered reported as S. 595 by the Senate Homeland Security and Governmental Affairs Committee on May 17, 2017, and reported as H.R. 2213 by the House Homeland Security Committee on May 16, 2017. We thank the Members of Congress for your continued support as we seek to hire the men and women who will fulfill CBP's complex and crucial mission in the months and years to come.

Legislative Proposals

Finally, the FY 2018 Budget highlights some of the legislative priorities we hope to achieve with the help of Congress. For example, the Administration will submit legislative language to the relevant authorizing committees to enact the proposal to eliminate Brand USA and redirect the \$10 Electronic System for Travel Authorization (ESTA) surcharges to CBP for passenger processing expenses. CBP has also submitted a legislative proposal to create an \$8 Electronic Visa Update

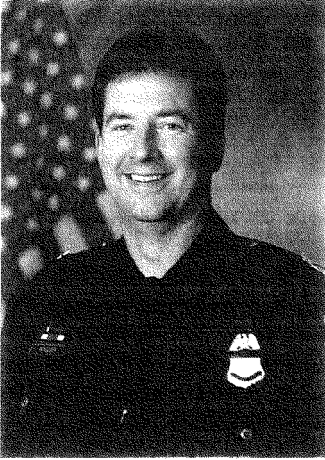
System (EVUS) user fee based on a fee analysis that would function similarly to the ESTA operational processing fee. Once the authorizing proposal is enacted, CBP will no longer require appropriated funding to support the EVUS program.

CBP will also provide a legislative proposal to decrease the shortfall between the costs of CBP's immigration inspection activities and the collections received. Per the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), passenger inspection fee collections fund customs inspection activities that are mandated by law. The fee levels set in current law do not fully cover CBP's costs. CBP's funding strategies also include seeking Congressional support for a legislative proposal to increase current Immigration Inspection User Fees to recover more of the costs associated with providing immigration inspection services.

Conclusion

In closing, the challenges facing CBP and our Nation are considerable, but we have outstanding men and women working at CBP who are committed to protecting our Homeland and the American people. The FY 2018 President's Budget recognizes the serious and evolving threats and dangers our Nation faces each day. With the support of Congress, CBP continues to secure our Nation's borders, and promote international commerce and tourism, through a multi-layered approach using a variety of tools.

We want to thank the Members of this Subcommittee for your continued strong support of CBP. Thank you for the opportunity to appear before you today. We look forward to your questions.

**John P. Wagner**

Deputy Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

John P. Wagner became Deputy Executive Assistant Commissioner, Office of Field Operations (OFO), on April 6, 2014. He has been assigned to U.S. Customs and Border Protection (CBP) at Headquarters in Washington DC since 1999, and has worked on numerous policy and operational issues.

Mr. Wagner has been a leader in developing many of OFO's successful business transformation efforts. These include the deployment of the internationally acclaimed Global Entry program and the Automated Passport Control kiosks for international travelers.

OFO includes nearly 29,000 employees with more than 22,000 CBP Officers and CBP Agriculture Specialists that protect U.S. borders. An annual operating budget of \$3.2 billion provides for operations at 328 ports of entry, and many programs that support the national security, immigration, customs, and commercial trade-related missions of CBP.

A native of Long Island, NY, Mr. Wagner graduated from the State University of New York at Albany, with a Bachelors of Arts degree in Psychology. He began his Federal law enforcement career in 1991 when he joined the U.S. Customs Service as a Customs Inspector.

Mr. Wagner worked at the New York/New Jersey seaport and the Port of Laredo, TX before being assigned to Headquarters. He is a graduate of the Senior Executive Fellows course at the JFK School of Government at Harvard University.

Mr. CARTER. Thank you, Mr. Wagner.

Mr. Homan.

Mr. HOMAN. Thank you, sir. I want to read my opening statement that I took time myself to pen this past week.

Chairman Carter, Ranking Member Roybal-Allard and distinguished members of the subcommittee. Thank you for the opportunity to appear before you today to present the President's fiscal year 2018 budget for U.S. Immigration and Customs Enforcement.

Our mission is to protect America from cross-border crime and illegal immigration that threaten national security and public safety. To carry out our mission, ICE focuses on immigration enforcement, preventing terrorism, and combating transnational criminal threats.

The President's fiscal year 2018 budget request for ICE includes \$7.9 billion to help ICE meet our mission requirements and to make much-needed investments in immigration enforcement, criminal investigations, workforce expansion and training.

Before we talk dollars and cents, I want to take this opportunity to speak to you about the outstanding men and women of ICE. Just a few weeks ago I joined Americans from across the country to observe national police week in honor of fallen law enforcement officers who gave their lives in the line of duty.

I walked by the marble walls of the National Law Enforcement Officers Memorial, which holds the names of 20,000 men and women who lost their lives protecting others. Among those are the names of 52 officers and agents who served within ICE.

Tragically, two names were added this past year, deportation officer Brian Beliso and Special Agent Scott McGuire. I met their families, their wives, their children, their parents, who will endure the pain of their loss for a lifetime.

Police week and similar occasions bring us together in shared respect for law enforcement officers who serve and protect us, but too often that respect does not seem to extend to the honorable men and women of ICE.

Unfortunately, the men and women of this law enforcement agency are unfairly vilified for simply doing their jobs. These are good and decent people who leave their families every day to enforce laws they are sworn to uphold, willfully putting themselves in harm's way to keep our communities and our nation safe.

ICE is a professional law enforcement agency focused on public safety and national security, and we enforce laws like every other federal law enforcement agency, state and local. And yet, unlike most other agencies, we do this despite a constant deluge of biased attacks against ICE personnel by those who disagree with the laws we enforce.

While I recognize that people have the right to protest what they don't agree with, I want to emphasize to the public and to the media and to this committee that ICE officers don't write the laws. They enforce laws as enacted by Congress and signed into law by the President. They do not make up policy on the street.

As I said, people have the right to protest, but ICE officers also have rights. ICE officers have the right to do their job professionally without interference. They have a right to uphold the oath they took to enforce the laws of this great nation. They have the

right to end their shift safely and return to their families every day. And they have a right to be proud of the enormous contribution they make to our safety and security.

We are all blessed to live in the greatest country on earth, and I can't blame anybody who would want to live here. But we are also a country built on a foundation of the rule of law. Those who choose to enter this country illegally, which is a crime, a federal crime, or to overstay a visa have knowingly chosen to break the law.

Meanwhile, millions of people who have become permanent members of our society through our generous legal channels, they show their respect for the rule of law and for the American people.

Even so, aliens who are subject to the removal process under the law receive extensive due process at great expense to the American taxpayer. If an alien is issued a notice to appear at the OCN immigration judge at taxpayer expense, they will have an interpreter provided to them at taxpayer expense during their hearings.

If they claim fear of returning to their home country, they will have every opportunity to pursue that claim. If unsuccessful, the alien can appeal the ruling to the Board of Immigration Appeals, a U.S. circuit court of appeals, and even the Supreme Court in some cases.

However, once an alien has pursued the extent of their due process rights, and a federal judge issues a final order of removal, it is ICE's job to enforce that order. If a federal judge's decision is not enforced, there is absolutely no integrity in this entire system.

If you love this country, you must respect its laws and respect those who keep you safe. ICE officers do not do what they do because they hate what is standing in front of them. They do what they do because they love what is behind them.

To that end, ICE welcomes the additional resources requested in the President's fiscal year 2018 budget request, which will allow us to better fulfill our national security and public safety mission.

During his first 2 weeks in office, President Trump signed a series of executive orders that laid out the policy groundwork for the department and ICE to carry out the critical work of securing our borders, enforcing our immigration laws and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in the United States.

The President's budget, if funded by Congress, would provide the additional resources, tools and personnel needed to begin implementing these policies. Reflecting the administration's priorities, the President's budget for ICE reflects a \$1.2 billion increase over fiscal year 2017 enacted budget. This increase in funding is critical for ICE to meet its mission needs.

The President's budget also supports an expansion of our workforce by adding 1,000 law enforcement officers, as well as investigative support staff, including attorneys, to support the increased operational tempo.

The request would also maintain HSI's critical operations abroad and enhance efforts to target and combat dangerous gangs and other criminal organizations.

I want to thank you again for the opportunity to testify today and for your continued support of ICE. I look forward to answering any question you may have at this time.

[The information follows:]



U.S. Immigration and Customs Enforcement

STATEMENT

OF

THOMAS D. HOMAN

ACTING DIRECTOR

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY**

Regarding

The Fiscal Year 2018 President's Budget Request

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY**

TUESDAY, JUNE 13, 2017

INTRODUCTION

Chairman Carter, Ranking Member Roybal-Allard, and distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you today to present the Fiscal Year (FY) 2018 President's Budget for U.S. Immigration and Customs Enforcement (ICE). I look forward to discussing our priorities for the upcoming fiscal year and highlighting our continued efforts to ensure we make the most efficient and effective use of the resources you provide to carry out our vital homeland security mission.

A few weeks ago, Americans across the country honored fallen law enforcement officers during National Police Week. It is a deeply moving experience to view the memorial wall in Washington, D.C., which contains 20,000 names – the names of men and women who lost their lives protecting others. Among them are 52 officers and agents who served in ICE or one of its predecessor agencies, killed in the line of duty. Tragically, two names were added this past year: Deportation Officer Brian P. Beliso and Special Agent J. Scott McGuire. I met their families—wives, children, and parents, who will endure the pain of their lost heroes for a lifetime.

There are many, many more outstanding people in ICE's 20,000-strong workforce, of which I am privileged to serve as Acting Director – the first to come from the ranks of ICE. Together, ICE promotes homeland security and public safety through broad enforcement of approximately 400 federal laws governing border control, customs, trade, and immigration.

The FY 2018 President's Budget for ICE includes \$7.6 billion in discretionary funding, reflecting a \$1.2 billion increase from the FY 2017 enacted budget. Additionally, the Budget estimates \$377 million in budget authority derived from mandatory fees, bringing total estimated spending authority to \$7.9 billion. This increase in funding is critical for ICE to meet its mission needs. Simply put, the men and women of ICE need the requested resources and tools to do their work. The FY 2018 Budget will support current efforts and enable ICE to make much-needed investments in the following core areas: immigration enforcement, criminal investigations, workforce expansion and training, and the information technology needed to meet the security challenges of the 21st century.

ENFORCING IMMIGRATION LAWS

Our immigration enforcement efforts are led by the more than 6,000 law enforcement officers of Enforcement and Removal Operations (ERO). These dedicated officers enforce our nation's immigration laws in a fair and effective manner by identifying, arresting, detaining, and removing removable aliens. To ensure the national security and public safety of the United States, and the faithful execution of the immigration laws, our officers may take enforcement action against any removable alien encountered in the course of their duties who is present in the U.S. in violation of immigration law. They work very hard and I am proud of what they are accomplishing.

During his first two weeks in office, President Trump signed a series of Executive Orders (EOs) that laid the policy groundwork for the Department and ICE to carry out the critical work of securing our borders, enforcing our immigration laws, and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in the United States. The FY 2018 Budget, if funded by Congress, would provide the additional resources, tools, and personnel needed to begin implementing these policies.

These EOs establish the Administration's policy of effective border security and immigration enforcement through the faithful execution of the laws passed by Congress. The orders implement new policies designed to stem illegal immigration and facilitate the identification, apprehension, detention, and removal of removable aliens. Under these new directives, ICE will no longer exempt entire classes or categories of removable aliens from potential enforcement. Those in violation of immigration law are subject to arrest, detention, and, if issued a final order by an immigration judge, removal from the United States.

The stepped up enforcement of our Nation's immigration laws in the interior of the United States is critically important to the national security and public safety of the United States. To successfully meet operational needs, the funding increases included in the FY 2018 President's Budget are badly needed. Aliens who illegally enter the United States, or even those who overstay or otherwise violate the terms of their visas, have violated our nation's laws and can pose a threat to national security and public safety. This is particularly true for aliens who engage in criminal conduct in the United States.

Under prior enforcement priorities, approximately 345,000, or 65 percent, of the fugitive alien¹ population were not subject to arrest or removal. President Trump's EOs have changed that. As a result, ICE arrests are up 38 percent since the same time period last year, charging documents issued are up 47 percent, and detainers issued are up 75 percent. Thus far in this fiscal year, through May 15, 2017, ERO has removed 144,353 aliens from the United States and repatriated them to 176 countries around the world; these are aliens who posed a danger to our national security, public safety, or the integrity of the immigration system. Of those removed, 54 percent (78,301) had criminal convictions. ERO has also issued 78,176 detainers and 63,691 charging documents; maintained an average daily population of 39,610 in detention; and monitored an average of 70,044 participants daily under the Intensive Supervision Appearance Program (ISAP) III contract or Alternatives to Detention (ATD) program.

Furthermore, abolishment of the Priority Enforcement Program and re-establishment of the Secure Communities program, combined with the expansion of the 287(g)² program, is expected to result in significant increases to interior apprehensions and removals. As of June 3, 2017, there were 968,773 individuals on ICE's non-detained docket with final orders of removal, of which 177,496 were convicted criminals. In order to safely and securely carry out this mission across the Nation, ERO will require additional deportation officers to handle this increased workload. The FY 2018 Budget supports hiring an additional 850 deportation officers to enforce our immigrations laws.

¹ Fugitive alien refers to illegal immigrants who have ignored and evaded deportation orders.

² 287g refers to Section 287(g) of the Immigration and Nationality Act

With the increased enforcement activity, additional detention capacity will be necessary to implement EO 13768, *Enhancing Public Safety in the Interior of the United States*. Specifically, the budget includes nearly \$4.9 billion to expand detention capacity to support an average daily adult population of 48,879 and an average daily family population of 2,500, for a total of 51,379 beds. The budget also includes an increase of \$129 million for transportation costs associated with the increased detention population, and an increase of \$57.4 million for the contract ATD program to sustain 79,000 average daily participants.

Additional resources will also be necessary in FY 2018 to ensure that ICE carries out its lawful duties in the prosecution of cases before the U.S. Department of Justice's (DOJ) immigration courts. At the end of FY 2016, there were more than 520,000 pending immigration cases nationally. In FY 2017, the ICE Litigation workload is expected to grow to more than 650,000 cases, a 26 percent increase from the previous fiscal year. Further, DOJ has redeployed additional immigration judges (IJs) to border locations to address the backlog of detainee cases and the Administration's enforcement priorities. The requested resources would enable ICE's Office of the Principal Legal Advisor (OPLA) to meet the demands of an increasing IJ corps and immigration court docket. An inadequate augmentation of attorney resources will result in ICE's enforcement efforts failing to meet the Administration's objectives and enacted immigration laws.

Finally, the FY 2018 Budget includes an additional \$1 million to expand the newly-created Victims of Immigration Crime Engagement Office (VOICE) to assist the victims of crimes committed by removable aliens. Due to Privacy Act protections, victims have traditionally encountered difficulty obtaining information on removable alien perpetrators, including whether they are in ICE custody and ICE's enforcement actions against them. The VOICE office will make it easier for victims to receive this information, to the extent permitted by law, so that they are adequately informed about the outcome of their case.

COMBATING TRANSNATIONAL CRIMINAL ORGANIZATIONS

Homeland Security Investigations (HSI's) investigators protect the United States against terrorists and other criminal organizations through criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. As the largest investigative arm of DHS, HSI utilizes its broad legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, weapons and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, immigration document and benefit fraud, and worksite enforcement. The FY 2018 Budget maintains HSI's critical operations abroad, supports hiring of an additional 150 domestic special agents and increases our efforts to target and combat dangerous transnational gangs and other criminal organizations.

Last year, HSI investigations led to the disruption or dismantlement of hundreds of transnational criminal organizations (TCOs). HSI made more than 32,709 criminal arrests, including arrests of more than 4,606 transnational gang members. HSI also seized 1.5 million pounds of narcotics, made 2,203 seizures for violations of U.S. export laws and regulations, and seized nearly \$541 million in currency and monetary instruments. Additionally, HSI identified

and assisted more than 2,000 crime victims, including 435 human trafficking victims and more than 820 child exploitation victims.

During the last two decades, transnational organized crime has expanded dramatically in size, scope, and impact, which poses a significant threat to national and international security. HSI takes very seriously the threat to national security that transnational organized crime represents, and HSI targets TCOs at every critical location in the cycle: internationally, in cooperation with foreign counterparts, where transnational criminal and terrorist organizations operate; at our nation's physical border and ports of entry, in coordination with U.S. Customs and Border Protection (CBP), where the transportation cells attempt to exploit America's legitimate trade, travel, and transportation systems; and in cities throughout the United States, where criminal organizations earn substantial profits off the smuggling of aliens and illicit goods.

As directed by the President's Executive Order 13773, *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*, HSI will continue to give a high priority and devote sufficient resources to dismantling transnational criminal organizations and subsidiary organizations. HSI will continue to focus on cooperative work and data sharing with other federal agencies, as well as work with foreign counterparts by sharing intelligence and law enforcement information when appropriate and permitted by law.

To investigate TCOs impacting Southwest Border security, HSI has assigned more than 1,500 special agents and almost 150 intelligence research specialists to Southwest Border offices, to include the Border Enforcement Security Task Forces (BESTs), which provide a comprehensive regional response to the growing threat to border security, public safety, and national security. This includes border security at land, maritime, and international airports. In FY 2016, drug smuggling investigations, conducted by the five HSI Special Agent in Charge offices along the Southwest Border, resulted in 10,438 criminal arrests, 7,151 indictments, 6,098 convictions, and 2,570 administrative immigration arrests.

In addition to leveraging domestic assets, ICE works closely with attaché personnel deployed to 66 offices in 49 countries worldwide. These personnel are uniquely positioned to utilize established relationships with host country law enforcement, including Transnational Criminal Investigative Units (TCIUs). These TCIUs are composed of DHS-trained host country counterparts who have the authority to investigate and enforce violations of law in their respective countries. Since our law enforcement officers working overseas do not possess general law enforcement or investigative authority in most host countries, the use of TCIUs enables HSI to promote direct action on its investigative leads while respecting the sovereignty of the host country and cultivating international partnerships. These efforts, often thousands of miles from the U.S.-Mexico border in countries like Colombia and Panama, act as an outer layer of security for our Southwest Border.

Terrorism remains one of the most significant threats our law enforcement faces in protecting the homeland. Following the November 13, 2015 terrorist attacks in Paris, HSI International Operations special agents joined other DHS Components to support official requests for assistance from French and Belgian investigators. Specifically, HSI obtained information on financial transactions and social media account data for individuals linked to the

investigation, including those responsible for perpetrating the attacks. This effort contributed to the identification of hundreds of European Union-based individuals with financial links to the Paris attacks.

Our counterterrorism and anti-criminal exploitation efforts seek to prevent terrorists and other criminals, such as human rights violators, from exploiting the Nation's immigration system. HSI's overstay analysis efforts provide timely, relevant, and credible information on entry, exit, and immigration overstay status of visitors to the United States in order to enhance security, facilitate legitimate trade and travel, and ensure the integrity of the immigration system, all while protecting the privacy of visitors.

HSI is also the second-largest contributor of federal agents to the Federal Bureau of Investigations-led Joint Terrorism Task Forces (JTTF), which benefit from HSI agents' investigative expertise and broad enforcement authorities. ICE will continue its participation in more than 100 JTTFs, supporting and complementing their counterterrorism investigations with HSI's unique immigration and trade-based authorities. Additionally, HSI oversees the Human Rights Violators and War Crimes Center, which fosters an agency-wide approach to pursue human rights and war crimes violators by bringing together the resources of the various U.S. Government agencies that have a role in dealing with these offenders.

Finally, HSI's Visa Security Program (VSP) helps identify terrorists, criminals and other aliens ineligible for a visa prior to their travel or application for admission to the United States. VSP differs from other U.S. Government screening efforts in that it leverages its capabilities through in-person interviews, and works with international law enforcement partners to investigate suspect travelers, enhance existing information, and identify previously unknown threats, instead of simply denying visas and any potential travel. In FY 2016, HSI expanded VSP operations to an additional 5 strategically-important visa-issuing posts and reviewed more than 2.2 million visa applications, including approximately 8,600 cases in which visas were refused for a variety of reasons, including for suspected connection to terrorism or terrorist organizations.

GROWING OUR WORKFORCE

Because of the vital funding increases ICE received in the FY 2016 and FY 2017 appropriations bills, the agency has been able to aggressively hire front-line operational and support staff. In FY 2016, ICE hired 498 law enforcement officers (LEOs) and 202 attorneys to enforce our immigration laws and investigate transnational criminal organizations. From the beginning of FY 2017, we have hired 357 LEOs and 114 attorneys who will continue to carry out the mission of ICE.

The FY 2018 Budget includes \$185 million to hire an additional 1,000 law enforcement officers and 605 investigative support staff to support the increased operational tempo called for by EO 13768, *Enhancing Public Safety in the Interior of the United States*. This funding would allow ICE to hire the first ten percent of the total 10,000 law enforcement officers directed by the EO, as well as associated and support staff. This includes the previously mentioned 850 deportation officers and 150 special agents.

INVESTING IN INFORMATION TECHNOLOGY AND INFRASTRUCTURE

The tools required to carry out the agency's operations are just as important as the resources needed to fulfill ICE's enforcement and investigative missions. The FY 2018 Budget includes \$53 million to fund the deployment and modernization of ICE's information technology applications – systems infrastructure that support our front-line personnel and improves information sharing with the Department of Homeland Security (DHS) and partner organizations. The requested funds will also enable ICE to refresh our information technology infrastructure; and complete an ongoing migration effort to a new Investigative Case Management (ICM) system.

ICE relies on the availability of these mission-essential systems to perform critical functions across the enterprises. These systems, in turn, rely on modern and up-to-date infrastructure to ensure operational readiness and optimal performance.

CONCLUSION

ICE will continue to play a critical role in fulfilling the DHS national security, border security, and public safety missions. To that end, the FY 2018 President's Budget ensures that ICE has the resources to support Administration and DHS-wide priorities. Thank you again for the opportunity to testify today and for your continued support of ICE. I look forward to answering any questions you have at this time.



U.S. Immigration and Customs Enforcement

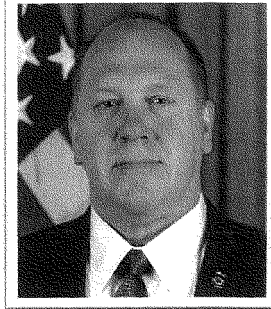
BIOGRAPHY

Thomas D. Homan

Acting Director

Thomas D. Homan is the acting Director for U.S. Immigration and Customs Enforcement, the principal investigative agency of the Department of Homeland Security. He became acting Director on January 30, 2017.

In his capacity as acting Director, Mr. Homan advances ICE's mission to promote homeland security and public safety through the criminal and civil enforcement of approximately 400 federal laws governing border control, customs, trade and immigration.



Since 2013, Mr. Homan has served as the executive associate director of ICE Enforcement and Removal Operations (ERO).

In this capacity, he led ICE's efforts to identify, arrest, detain, and remove illegal aliens, including those who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts.

Mr. Homan is a 33-year veteran of law enforcement and has nearly 30 years of immigration enforcement experience. He has served as a police officer in New York; a U.S. Border Patrol agent; a special agent with the former U.S. Immigration and Naturalization Service; as well as supervisory special agent and deputy assistant director for investigations at ICE. In 1999, Mr. Homan became the assistant district director for investigations (ADDI) in San Antonio, Texas, and three years later transferred to the ADDI position in Dallas, Texas.

Upon the creation of ICE, Mr. Homan was named as the assistant agent in charge in Dallas. In March 2009, Mr. Homan accepted the position of assistant director for enforcement within ERO at ICE headquarters and was subsequently promoted to deputy executive associate director of ERO.

Mr. Homan holds a bachelor's degree in criminal justice and received the Presidential Rank Award in 2015 for his exemplary leadership and extensive accomplishments in the area of immigration enforcement.

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security. ICE is comprised of three integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities. For more information, visit: www.ICE.gov.

Current as of January 31, 2017

Mr. CARTER. Thank you, Mr. Homan.

We are going to start with our line of questioning. We are going to have a timer on. There will be a little leeway, but I just looked through the list of questions I have got and every one of them needs to be answered. I am sure that we won't get to all of them, but we will submit all of them for an answer because everything that I am concerned about I think everybody else is also concerned about. These are answers that we need to have.

We are a current event in today's world and we have to remember we are a current event and we have to really do serious inquiry. I will begin.

Chief Provost, there has been a lot of discussion about how to achieve operational control of the border. How do you define the requirements for operational control of the border? Please discuss them. Do you have a fully validated requirement that is driving the request for funding in fiscal 2018 budget?

Ms. PROVOST. Thank you for the question, Chairman Carter. So operational control is not something new to the border patrol. As I know you know, we have been utilizing this term for numerous years. We created operational control.

And for us, in its simplest state it is being able to impede and deny entry. If there is an entry made, having a situational awareness until our agents can respond in a time-bound response and come to a law enforcement resolution. That is the simplest term of it.

The four master capabilities I spoke to in my opening statement, of domain awareness, impedance and denial, access and mobility and mission readiness are key to reaching op-con. As you know, the border is very dynamic and there is no one-size-fits-all.

As we go across the border in different areas, it may be a different mixture of those four master capabilities, but experience is that this works for us.

From the time that I joined the border patrol in 1995, we have been utilizing these tools to meet that requirement. So operational control is key. Those four master capabilities are the key to the success of operational control and the right balance in the right places along the border.

Mr. CARTER. Because there are requirements that are fully validated right now that are driving this request.

Ms. PROVOST. We utilize the capabilities gap analysis process to identify gaps in simplest of terms along the border, and the C-GAP process is a continuous process for a reason. As we apply resources to one area of the border, as you know it may impact other areas of the border.

And through that process we have validated the requirement. And we have different requirements across the border in all of these areas. And as I said before, it is a continuous process, so it is ever-changing and we continue to evaluate the border throughout the year, every year.

Mr. CARTER. Well, this next question has multiple parts.

Ms. PROVOST. Okay.

Mr. CARTER. And we will try to keep track of them.

Ms. PROVOST. Okay.

Mr. CARTER. The budget includes \$1.6 billion for planning, design and construction of 74 miles of various types of physical barriers, including levee wall, bollard fencing, and potentially a cement wall. Tell us more of your plans for border infrastructure, what types of structures do you propose, and where will they be located strategically.

Where do you anticipate the longest length of barrier? Where does it not make sense to build a wall rather than a fence? From the time you get funds, how long before you start putting steel in the ground? That one I put an X by. That is important.

Do you expect to use multiple contract vehicles as well as contractors? Can the entire \$1.6 billion be put on contract by September 30th, 2018? Please be specific as to those projects you can put on contract and address the situation in Texas, where land is mostly privately owned. Lots of parts.

Ms. PROVOST. Okay. I will do my best to make sure I hit all of them, sir.

So yes, the \$1.6 billion that we have requested for fiscal year 2018, as you have stated we have 28 miles of levee wall that we are asking for, and that really fills the gaps where we have current wall in the Rio Grande Valley sector, and then another 32 miles that we are working within a 52-mile area of determining, making final determination of where that goes. And then as you stated, we also have the secondary wall in San Diego.

Through our C-GAP process we have validated that that is our priority area to go in fiscal year 2018. I think it is very clear that the Rio Grande Valley sector has been an area of exploitation for bad actors in the last couple of years, for us certainly a high priority in an area where we are lacking a lot of infrastructure in general.

So that is an extremely important area for us as well, as well as replacement in San Diego, in an area that has been breached over 800 times. The current fence that is in that area is insufficient, and that is a high risk area for us in the aspect that they have returned on numerous occasions. Traffic returns to that area.

Transnational criminal organizations will go to the area of easiest access, logistical support, quickest vanishing times, so that is why that area is key to us. And through our planning process that is where we came with—to that area of wall.

For the longest barrier, it would be those 32 miles in the Rio Grande Valley sector area. The 28 miles is broken up and filling some gaps, along with the gates, which thank you very much for the funding in 2017 to support those. Thank you to the committee for those gates. That is imperative for the operations of our agents on the ground in Rio Grande Valley.

There are certainly, and you have heard the secretary say that there are areas where a wall does not make sense. A prime example would be in the Big Bend national forest area. There are areas where there are natural barriers and there is no requirement for us for a wall there. There are other areas as well, some of the lakes throughout the Texas border with Mexico.

So we are taking all of that into consideration as we go through our analysis process of where we have a requirement for impedance and denial.

You asked about the funds and the contracting. Obviously I am no contract specialist, but I know that our team is working very, very closely if given the funding.

So first let me address the prototypes. It is my understanding that we are working to a late summer timeframe for those prototypes to be in for some analysis and review and see how those would possibly add to our toolkit, different barriers. That of course is for this year.

For next year, if—we are working towards diligently if we receive the funding to be able to start in March or April of 2018. Beyond that I would refer you—I would say I think it would benefit us to have some of our specialists come back and brief your staff more in-depth because that is not my area of subject matter expertise.

Mr. CARTER. Well, if that is necessary then would you get them to answer this question for us?

Ms. PROVOST. Of course, sir, I will.

Mr. CARTER. Because these are large amounts of money.

Ms. PROVOST. Certainly.

Mr. CARTER. These are important projects. We don't want to be sitting with pots of money out there for long periods of time.

And then the question about the Texas situation. We pride ourselves in Texas on our property rights because we entered this country reserving our property rights, which is very rare as it pertains to the other 50 states. Therefore, we violently fight for our property rights.

Ms. PROVOST. Certainly. I apologize that I missed that.

Mr. CARTER. There is combination of areas down there. If a landowner is not willingly going to enter into a contract to sell you the land then you are going to have to go to court to use condemnation proceedings, eminent domain, to be able to go forward.

And those are long—having tried those myself—long, drawn out. And I can say from at least my personal experience very boring to try. But they take time. Time really defines that.

Ms. PROVOST. Yes, sir. If I may, just quickly on that. As I know you know, it is always our—CBP always works—tries to work with the landowner to come to a resolution. Condemnation is not where we want to go to, and we will work diligently with all of the stakeholders to try to come to a resolution that works for the landowners first and foremost.

Mr. CARTER. Very good. And to finish up this area, a question, a vital question. Congress provided funds for 40 miles of replacement fencing. You answered some of this. When will you begin construction on the replacement fencing, and do you know the exact locations that you want this fencing?

Ms. PROVOST. Yes, sir. For the fiscal year 2017 replacement fencing, first, thank you very much. That is going to be hugely beneficial for our agents on the line and their officer safety and being able to replace some outdated fence.

So San Diego, El Paso and El Centro are the areas that we are placing that new—or excuse me, putting that replacement fence in. So those are the priority areas of old, outdated fencing that is not working for us. It is a risk to the agents for numerous reasons. It is in areas that they have breaches quite often and this would be a huge positive impact for our agents.

So we are going—first and foremost we have 14 miles in San Diego of primary wall, replacement, two miles in El Centro, and 24 miles in El Paso that we are replacing.

Mr. CARTER. Very good.

Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Thank you. I think there are more questions than we have time for. But I would like to start with ICE detention and funding.

Director Homan, the ICE budget requests \$3.6 billion for an average daily detention population of 51,379. This includes 48,879 adults and 2,500 individuals in family detention. That is an increase of more than 12,000 adult detention beds over the fiscal year 2017 level of 36,824.

Meanwhile, the current average daily population of adults in detention is under 34,000. Do you currently think that ICE has a requirement for the 51,379 detention beds in fiscal year 2018, and if so, what is that based on? Is it a rough estimate or does ICE have a methodology tying detention beds to a particular staffing level, pace of enforcement activity or target population?

Mr. HOMAN. That budget is built on the assumption of a full year continuing resolution for 2017, along with enhancements for provisional personnel and beds that weren't funded in fiscal year 2017.

Why do we think we need 51,000 beds? When the team got together and looked at, you know, their model, I think 51,000 is a good number, and let me tell you why.

Part of the new executive order—what has changed in January under new executive orders, we have opened the aperture up to who is—who we are looking for, who we are looking to arrest and detain or remove. Under the old administration, unless you were a fugitive after 1/1/14, you were off the table. You weren't a priority, we weren't looking for them.

Now we have got 345,000 aliens who were in the country illegally with a final order of removal that—as required by a judge, are now people we are looking for.

Our arrests right now are up 50 percent because that aperture has been opened. Our detainers are up over 75 percent. And these are people we put a detainers on that will eventually come to our custody.

Secure Communities is back, which means we put a detainer on anybody that is illegally in the United States. And 287G, we expect that program, which almost nearly doubled in size, we expect it to nearly triple in size by the end of the year. That is a force multiplier for more law enforcement officers to bring illegal aliens into our custody.

OPLA has over half a million cases on the docket. They expect to have close to a million by the end of the year. These are also folks that will eventually come into our detention.

Recalcitrant countries was an issue under the last administration. We had 23, 24 countries that we couldn't get travel documents from. Through a lot of hard work for the ICE staff here in headquarters, we are down to 11 countries now, so we got 12, 13 countries back to the table issuing travel documents for thousands of people we are trying to remove.

And overstays. Those overstays, you know, between 600,000, and 700,000 overstays in this country that were not a priority, under this new executive order they are. So you can see hundreds of thousands of illegal aliens with final orders, that already had the due process, are now back on the table for law enforcement.

So the intake of new cases for detention are very high. Clearly you can justify 51,000 beds.

Ms. ROYBAL-ALLARD. So we are basically talking about young people like Diego that Mrs. Lowey was talking about now, that everyone is pretty much being targeted, if I understand. That is what you mean by the open aperture?

Mr. HOMAN. The executive orders open the aperture, yes, but we still prioritize criminals and national security threats first. But we look for fugitives that had due process, that had been ordered removed by a federal judge. We have to remove them. That is our job. And those that reenter the country have to be removed. That is a felony.

When you get formally removed from the country, reenter illegally, that is a felony.

Ms. ROYBAL-ALLARD. I understand that but I just wanted get some clarification.

Also in May, the average population in family detention was under 600. The three family detention facilities ICE currently maintains represent fixed cost. That means that we are paying the full rate for 2,500 beds, no matter how many beds are filled.

What are your plans for family detention going forward, and will ICE continue to pay for family detention capacity that isn't being used?

Mr. HOMAN. The answer to the last question is it is not—I don't think we should be paying for family beds we are not using. We are meeting now, as of last week we are meeting with the vendors for family detention to talk about the future use of family detention.

My goal is to certainly decrease the funding needed for those beds. I think those beds should come at a cheaper price and we are working on that now. Family detention I think is a valuable tool we have. I think family detention serves a purpose. At one time they were full and we weren't allowed to take anybody into custody in family detention.

But it is a consequence for illegal activity. And family detention gives us an opportunity to identify who these folks are, make sure that we put them on some sort of reporting when they are released. They get a full medical so we are not releasing women and children with chickenpox, measles, and we deal with lots of medical issues coming in.

So I think it is a necessary tool to figure out who these people are and should they be released. Most will claim fear and have a hearing in front of the CIS. Some don't get fear, which means if their claims are denied then these are people who we will remove straight from the detention facility to their homeland. So I think it is a valuable tool we have got to sustain.

Ms. ROYBAL-ALLARD. Now I believe the average length of stay in family detention is currently around 10 days, and this is largely due to a federal district court determination that the detention of

families with children cannot exceed 20 days unless facilities are state licensed and non-secure.

When I discussed this with Secretary Johnson during last year's hearing, he said the department was pursuing state licensure but it was unclear whether the facilities would eventually be non-secure.

What is the current status of pursuing state licensing for family detention facilities, and what, if any, are your plans to satisfy the district court's requirement that family detention be non-secure?

Mr. HOMAN. Of the two family detention centers in Texas, first of all, Karnes did receive a provisional license. When the facility in Dilley was seeking license a grassroots organization in Texas filed an injunction. And the state was looking to—from licensing them, so it went to the court process.

Licensing did pass the Texas Senate but it stalled in the House, so it is on hold. We will continue to try to get licensing for those facilities. Berks facility in Pennsylvania does have a license. But the ruling by the court says that it averages 20 days for those who—for children to be detained for 20 days.

So we will continue to operate within the judge's—the district court's finding and make sure that on average they are in the facility less than 20 days, unless they are found not to have a fear claim and we are likely to remove them. They may stay in longer. But we will abide by the terms of the circuit court decision.

Ms. ROYBAL-ALLARD. One of the things that disturbed me was to hear that ICE plans to end the family case management pilot program, which has only been fully underway for approximately a year. It seems premature to me to pull the plug on a pilot that seems to be working so far.

What have been the specific results of the pilot, and what kind of formal evaluation has ICE carried out? It is my understanding that appearance rates for the participants have been much higher than for families in the traditional ATD program.

Are there lessons learned from the pilot that could productively be incorporated into the ATD program?

Mr. HOMAN. You are right, it is a pilot. It was a pilot and we—it was a \$12 million pilot, the cost for a full year. But on the metrics of showing up for their hearings and so forth, the metrics are no different. Very similar to those on traditional ATD.

So when you look at the cost, you know, an average day on the family case management program is \$35, almost \$36 a day and a typical ATD ICE app is \$4 a day. That is eight times the cost of a traditional ATD, which had the same result at the end practically, off by one or two percentage points.

So for the same reason we are here today talking about a budget, I think as long as it doesn't change the metrics of who has shown up in court, as long as they both are equally successful and one is \$4 and the other one is \$36, we decided that we were going to go with the cheaper alternative.

Ms. ROYBAL-ALLARD. Can you provide us with that information—

Mr. HOMAN. Yes, ma'am.

Ms. ROYBAL-ALLARD [continuing]. To the committee? I would appreciate it.

Mr. CARTER. I am going to continue in the order that people arrived. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Mr. Chairman. And to each and every one of our witnesses I want to thank you all for appearing before us today. And I really appreciate the fact that you have been so laudatory of your employees. Thank you very much. They do a very difficult job and—for our country and I appreciate that so much.

I have a question for Mr. Wagner. First of all, I was very pleased to see a proposed increase in funding for nonintrusive inspection systems at land ports of entry. I have a two-part question, sir.

Do you have any idea how much contraband goes undetected through our land ports of entry on an annual basis? By several reports, the use of NII is responsible for 90 percent of those interdictions in secondary screening.

Then my final question would be, do you think it would make sense to deploy such proven technology at pre-primary to ensure 100 percent screening of all passenger vehicles, sir?

Mr. WAGNER. I don't have an answer to how much goes undetected, but I can certainly agree with the high percentage of narcotics that we do intercept using the technology. It is something we have built up the systems over the last probably 15 years to 20 years or so at our ports of entry.

It is incredibly useful technology. It is an incredible resource-saver and really the safe and efficient way to examine a vehicle or a cargo container. It is really a tremendous asset.

Now whether we could deploy them into a pre-primary type environment, I think it is as much about the facility constraints or the logistics of doing so, or to figure out the time sensitivities and how much traffic and the through-put we could get.

We are looking at some things with commercial truck traffic and being able to run trucks through—100 percent through the scanning to look at what the impact would be and whether could we actually accomplish that in the right amount of time.

For passenger vehicles, I think the logistics of doing so would be a challenge. I think operationally we like to be able to do that. It is just the time and the resources that would be needed as well as the physical layout of where to put that equipment in those vehicle lanes. But it is certainly a strategy that would be worth talking about some more.

Mr. FLEISCHMANN. Thank you.

Would either of the other witnesses like to supplement to his answer?

Ms. PROVOST. Not specific to the ports but as you know, we use NII as well at our checkpoints and they have certainly been a benefit to us in the border patrol as well.

Mr. FLEISCHMANN. Thank you very much.

Mr. Chairman, I know a lot of people want to ask so I will yield back, sir.

Mr. CARTER. Thank you.

Mrs. Lowey.

Mrs. LOWEY. Thank you very much, Mr. Chairman.

And Director Homan, before I asked my question I want to say I really appreciated your eloquent statement regarding the good

and decent people of ICE. And I also appreciated your saying that the ICE officers don't write the laws. They are charged with enforcing the laws, and I get that as well and I appreciate it.

Director Homan, ICE has been the target of significant criticism in recent months regarding enforcement actions at and near sensitive locations—churches, schools, courthouses. Since the beginning of the year could you share with us how many times has supervisory approval been given for enforcement actions at sensitive locations? How many times have such actions occurred without supervisory approval, based on exigent circumstances?

Mr. HOMAN. Well, that is an easy answer. Zero. As far as I am concerned, as far as the information I have available to me, nobody has been arrested at a school, no one has been arrested at a hospital.

Now courthouses aren't a part of the sensitive location policy. Courthouses is a place we should be arresting people, and let me tell you why.

When I came in this building today, there are metal detectors and security guards to keep the staff and congressmen safe in this building. The judges have the same thing in courthouses. Why would I not want the same thing for the men and women of ICE to arrest a criminal alien behind the wire when they know we don't have weapons?

The only people we arrest in courthouses are those that are a threat to public safety. We don't arrest witnesses. We don't arrest victims. We go to a courthouse looking for one person that has a public safety conviction, to arrest them in a safe location. That is my job, to keep my officers safe, so that is the best place to arrest them.

And as far as the churches and the schools, I see the media reports too. Here is a situation what is happening. You go to a big city like Los Angeles or New York, where the aliens are being instructed by many people not to answer their doors, not to work with us, not to answer our questions, there are county jails that won't give us access to the jails.

I have to arrest these people. That is my job. So we are going to arrest them in the public. That is my job. We have to arrest them. If I can't get it in the privacy, security and safety of a jail then I have got to go to their home or wait for them to leave their home.

If you are in a big city like Los Angeles or New York and you pull a car over to arrest a target, chances are you are going to be within two blocks of a school, a church or something. So all of a sudden the media says we arrested somebody dropping the child off at school. No, we arrested them three blocks near the school, near a place of worship, going to church, doesn't make any difference whether he is arriving or departing or waiting at the bus stop on the way to school, he is a target. Is that correct?

Mr. HOMAN. Your question, there are a lot of factors to consider. Is he arrested in a parking lot, school? We probably wouldn't do that. Is he—

Mrs. LOWEY. I mean, this is a student who is obeying the law. And I can remember many discussions—I have worked on this issue a long time—not 33 years, long as you have—and the whole

idea here—which I agree with—that if people are disrupting the public, if they have committed a crime, if they are a danger to the community. But here if you have a student who is walking to school, waiting at a bus stop, you have somebody who is ready to arrest them. Is that correct?

Mr. HOMAN. I want to make something clear. The case you are talking about, no one knew there was a problem. The officers, you know, certainly aren't going to go and arrest somebody just so he can't go to a prom. That is not what we do.

You know, Americans expect us to foster compliance with the law. And to do that, we have got to have, you know, a robust and diversified enforcement. There should be no one that violates the law. And this young gentleman, by entering the country illegally, committed a crime. That is a crime, 8 USC 1325. He committed a crime by entering this country illegally.

He had due process through several channels of judicial process, had his day in court, as due process, and was ordered removed. So we are talking about somebody that has had his due process. He lost his case. And because we don't like the results of that case, we forget about it. Well, if we—there would be no integrity in the system if we don't uphold the rulings of a judge. I don't know where else in the American justice system any other agency is told to ignore a judge's ruling. It doesn't happen anywhere else but in our context.

I think it is important—this is a country of laws. We need to stand by the laws. The country I grew up in, if you are violating the law, he should be uncomfortable. He should be looking over his shoulder if he is in this country in violation of the law and has been ordered removed. He should be worried that he is going to be arrested. There should be no population of persons that are in this country illegally, violated the law, then had a final decision from a judge, to feel comfortable that he doesn't have to worry about somebody arresting them.

The IRS doesn't want to audit everybody, but we all know it is a possibility. The highway patrol can't arrest everybody for speeding, but we speed, we know it is a possibility we could be stopped. It should be no different with immigration enforcement. We are a law enforcement agency that enforces the law. And we shouldn't play favorites.

Mrs. LOWEY. How many—within the New York area, how many individuals are you pursuing, roughly?

Mr. HOMAN. In New York, I have no idea.

Mrs. LOWEY. Well, what I am trying to get to—I am assuming there is a priority. And for many years that I have been involved in this issue, if there are people that really are dangerous to the welfare of their community, if they have committed a felony, if they have committed a crime, there is a priority. And I just wondered where a student who is going to school working hard, hopefully get to work, where is he on a priority list?

Mr. HOMAN. Our priority is threats to community safety, public safety, criminal aliens. After that, along with that, national security—

Mrs. LOWEY. So you have arrested everybody who is a threat to the community, public safety, so you are going after a student who is graduating and is law-abiding?

Mr. HOMAN. It is not law-abiding. He violated the law and was told by an immigration judge you must leave. And he failed to do so. And—

Mrs. LOWEY. To be continued. My time is up.

Mr. HOMAN. You know, you can help me, ma'am. Let's talk about New York state. If I had access to the county jails, if people honored the detainers, I could arrest people in the safety and statute of a county jail. But since I can't, I have to go to the neighborhoods. That is what puts fear in the immigrant community is my officers knocking on doors in their neighborhoods.

If I had access to the county jail, I would have less officers in the community. If I had access to the county jail, I could arrest the bad guy in the county jail and not go to a home where I am probably going to find other people here illegally that I am going to take into custody.

So all these folks that don't want us in county jails, they need to think about how they are putting their communities at risk. Number one, the criminal alien is going to go back in that community, and I don't think the immigrant community wants a child molester or somebody who has been arrested six times for DUI in their communities. I don't. I think they want the communities to be safe, too.

So the more access I have to the jails, the more detainers that are honored, the less the situation you described will be happening.

Mrs. LOWEY. Thank you. Thank you, Mr. Chairman.

Mr. CARTER. Mrs. Lowey, when I was a senior in high school and graduated from high school, on the way to graduation, one of my best friends was stopped for a routine police stop for having a busted tail light. And he had a warrant for his arrest for parking tickets. And they arrested him. And the reason I know this is because the 700 of us in our class took up a collection. And we paid his parking tickets so he could graduate. So that had nothing to do with immigration.

Mr. RUPPERSBERGER. That is a good Texas story.

Mr. CARTER. It is true. And I would give you his name, but he is still alive and he probably doesn't want me to.

Mrs. LOWEY. Is he a judge?

Mr. CARTER. No, he is not a judge, but he is a very prominent guy. Let's see who is next. Mr. Newhouse?

Mr. NEWHOUSE. Thank you, Mr. Chairman and Ranking Member. Also want to thank Director Homan and Deputy Commissioner Wagner, as well as Chief Provost for being here, discussing your budget priorities. I also want to express my thanks to the men and women that you represent and for the efforts that they put forth everyday to keep our country safe, so if you could relay that message, I would be thankful.

Just got a couple of questions. First of all, for Mr. Wagner and Ms. Provost, certainly I believe one of the ways to patrol and protect our borders is through the use of technology. And I think you both have talked about that a little bit this morning, specifically the small unmanned aerial systems, or UAS's, have the ability to

support your efforts, both CBP mission and operations, in I think very safe and practical ways. They can be more effective certainly than a manned piece of equipment that also can get into environments where you wouldn't want to send something else that may be a higher value asset.

So tell me how far off are we where technology and CBP can rapidly deploy a UAS to support immediate CBP operations and fill a significant gap in operational surveillance that exists today?

Ms. PROVOST. Certainly, if I may. First and foremost, from the Border Patrol side of the house, we are very excited to start piloting and utilizing small UAS's. And appreciate the funding support that we received in 2017 and the request we have for 2018, as well.

Certainly this is a tool that benefits our men and women on the ground. This is something that we have been working on with our partners in Air and Marine operations for some time. And we have reached a point where we think these small UAS's are going to be very beneficial for our men and women on the ground, something that they can deploy and literally see what is over the next hill, which of course impacts officer safety and whether or not you know you have a group of individuals that may be armed or may not be, so that type of situational awareness for our men and women on the front line, it is a wonderful tool for them.

For UAS's in general, the larger ones, as well, Air and Marine operations support us in that venue for detection capability and they have proven beneficial to us over the years. And certainly it is a technology that we continue to utilize and continue to request support for due to the benefits that we have seen in previous years.

Mr. NEWHOUSE. Good, good. Thank you. I also want to note the critical role at CBP plays in our trade and economic successes, with the responsibility for the entry of goods in the United States. When it comes to the implementation of the Trade Facilitation and Trade Enforcement Act, that is a huge responsibility. I can only imagine the daunting task, the thousands of containers and trucks and every other vehicle that comes into our country.

But protecting that fair and competitive environment is very important. And as you work on that, could you briefly talk about some of the challenges you see and specifically how we can help you?

Mr. WAGNER. Sure, I think the challenges are in the volume, like you mentioned, of goods coming in and trying to sift and sort out what we would have concerns with and, you know, expediting the ones we don't have concerns about. And it is trying to strike that balance between when things get held up for inspection and when we build a simplified, automated path to enter the country. And really, that is what we focus on, you know, using a lot of advanced information, using our national targeting center to build systems to triage through all of the volumes and reams of information we have access to and try to point out the things we have concerns with.

Now, how do we come up with better ways to identify what those concerns are? It is going to be based on intelligence, going to be based on past practice, practical experience, and information we receive from either the law enforcement community, intelligence community, or right from the trade community themselves, as well,

and trying to find ways to address what those concerns may be at any point in that process of that container coming to the U.S.

Sometimes it is of such concern we might ask for it to be inspected overseas before it is even put onboard the ship and headed this way. Other times it is going to be at the port of entry we are going to open it and inspect it there. Other times it might be at a different premises where we do that.

So I know there is requests in the budget for additional staff in our office of trade to help with some of the expertise and the rule-making and the analysis of information and regulatory work to be able to do that. So I think it is covered for now in what the budget request includes.

Mr. NEWHOUSE. Okay, yeah. Well, we continue to look forward to ways that we can be of assistance in that. Director Homan, first of all, thanks for your comments about the role and the job of your ICE agents. Appreciate it. It is a difficult task. Sometimes you probably feel like you are sweeping sand into the ocean, but—talked a little bit about some of the concerns that have been raised around the country from some of the previous questions.

And I just wanted to allow you to highlight, first of all, those individuals who have DACA status. And just to be honest with you, I come from an area that many of my local schools, my communities, certainly there is a—I guess you could say a higher level of concern and fear, really, in a large part of the population. So could you possibly give us a little insight into ICE's enforcement priorities as it relates to particularly that DACA population?

Mr. HOMAN. DACA recipients are not a target of enforcement. They maintained their deferred status. There has been reports of us arresting DACA recipients, a few, and in each of those cases, they have violated the terms of their deferred action, which means they committed a crime and did something to violate the status. So we are not as part of our operations targeting anybody in DACA status that is fulfilling their obligation within the deferred action requirements.

Mr. NEWHOUSE. Good, thank you very much for that clarification. Thank you, Mr. Chairman. I yield back my time.

Mr. CARTER. Mr. Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman. First of all, I want to thank all of you all. I know you all have a difficult job, and I appreciate what you all do. I have had the opportunity to honor Border Patrol agents for the work that they have done, CBP officers for the new customer service that they have been providing. I need to work now on ICE, and maybe we can work on that, Tom.

But I really appreciate your men and women. I know it is difficult. I want to ask a local question, Mr. Wagner, dealing with Laredo. As you know, back in May 21st, less than a month ago, there was severe weather that damaged the World Trade Bridge. The World Trade Bridge, as you know, is the largest cargo bridge that we have in the country. Typically we get 14,000 trailers a day. That is over 2 million trucks a year through the Laredo bridges. And that is over \$204 billion. And 51 percent of all the trucks coming into the state of Texas come through one port and that is Laredo.

It did—and I met with Hagerson, with Greg Alvarez, and—of course everybody knows Mr. Hagerson. And of course, Mr. Skinner, great leadership that you have down there. And we met with the private sector, see how we can move this along.

What I am asking is, as we try to get the capacity—because we are not at 100 percent capacity—it is going to take a while—I am concerned about the technology and the infrastructure and make sure that FDA is also responsive. But if we are going to rebuild this again, let's do it right. And I am asking you all to—or asking you to see if you can put the latest non-intrusive technology, because if there is any port that brings money to our Treasury, it is the port of Laredo.

So I am just asking you, what are your plans to add the—to put it back into capacity? And what is the—if you can please give us the latest technology that you have there, because I have been hearing that we are not going to get the best technology and like to give you that opportunity.

Mr. WAGNER. Sure, let me check into what technology we have scheduled for the rebuild. It may be a case where we are just trying to get it up and running and get back to restore full operations from that really devastating storm. Thankfully, the port of entry was closed at the time when that storm hit, because it did quite tremendous damage to that operation. And we agree, it is an incredibly important crossing for us, you know, the busiest for truck crossings that we have, and we just can't afford to have it out of operation.

So that being said, we are looking at some new truck screening technology. We are looking at piloting some things a little south of you, down in the valley. But let me make sure we do have a plan to upgrade that.

Mr. CUELLAR. Why don't we sit down maybe later and we can—

Mr. WAGNER. And I will talk with Mr. Higgerson again, because we had spoken last week about what some of those plans involved. And, you know, what is the right technology we can put back into building this out to be a state-of-the-art port.

Mr. CUELLAR. All right, thank you. Chief Provost, let me ask you a couple questions. Air and Marine. My experience with air and marine, with all due respect to the folks who work there, is when we were trying to get an alternative base for one of the UAVs, you know, from Corpus—not taking anything away from Corpus—said find another place, because there was issues—I think they were landing only, what, 60 percent or less in Corpus. They came up, but they ended up 200, 300 miles away from the border. It is not exactly what I had in mind.

Then lately they have been trying to move away from Laredo away from the border. And I keep saying, hey, you are supposed to be at the border. I know San Antonio, and I represent—it is a beautiful place, but try to stay at the border.

Then finally the last thing is, in talking to Border Patrol—and I have spent a lot of time with the Border Patrol, since I live there—they have been—a lot of complaints—I mean, there is a lot of complaints that air marine will work 8:00 to 5:00, but then at night time—and, Judge, you have been there and I have been

there—and I think everybody has been there at night—I don't think it is fair to the men and women in green to be there at night time and have Air and Marine say, oh, for whatever reason we are not going to work at night time.

I think if our men are going to be out there at night time, Border Patrol, then Air and Marine should be providing that support. Now, Operation Phalanx, which I hope that you all do—and I think we added the money—I hope that you all do push that—National Guard is ready to do that, the Texas Guard is ready to do that. But I just have a problem with the Air and Marine saying they are not going to do any work at night time.

Ms. PROVOST. So we work very closely with Air and Marine at headquarters. And we provide a requirement to Air and Marine annually of flight hours that we need across the entire border. And it is true that they do not have the capability to meet our full requirement.

Of the flight hours that they have, they have consistently over the years provided the majority of those hours to the border security mission and in support of Border Patrol operations. But those hours have not been able to meet our full requirement. Thus why it is very important in relation to their requests within the budget, your support there is much appreciated to assist them in having more capability to meet those requirements that we have for the border security mission.

We are working very closely with them. The commissioner had us convene a working group. We are bringing in our agents from the field, as well as headquarters personnel, to try to address some of these issues better. In relation to Operation Phalanx, as you mentioned, that has been a huge support for us in the past with National Guard support and certainly benefited us. We are committed to continuing to work with Department of Defense, if that meets their requirement, to help support our mission. We will work with them in that arena going forward.

Mr. CUELLAR. Mr. Chairman, just on the levee, since that is in my district, can I ask a quick question? I got a few seconds left.

Mr. CARTER. Yes, you may.

Mr. CUELLAR. Okay, on the levee, as you know, that is on my southern part of my area. Back some years ago, Senator Cornyn, myself, JD Salinas, the county judge, and myself came up with this idea about the levee. Now there is some folks who are saying that FEMA and the International Boundary Water Commission, because we are looking at this for flooding, they are saying—and maybe you can provide this information at a later time—they are saying that all the levee requirements have been met, there is the flooding requirement have been met. I would like to maybe follow up, because my time is up, talk to you about the issue of FEMA, the International Boundary and Water Commission, and of course then issues with the Valley Wildlife Corridor and the Santa Ana National Wildlife Refuge, Bentsen-Rio Valley Grande, because we don't—and the World Birding Center, I just don't want them to be on the other side of the levee or how we are going to address that issue on that.

So I know my time is up. I want to be cognizant. But I do want to follow up on the levee, because I—like I said, we came up with

this idea, but now there are some folks who are saying that there is really no need for the flooding rationale. And that was one of the reasons why agreed to that back 8 years ago, whenever that came up with.

Ms. PROVOST. Just quickly—and I will ensure that we come and brief you in more detail on this—just want to, of course, reaffirm that we are committed and we work very closely with IBWC and all of the partners in any location to ensure whether it is environmental, flooding, on the land issues that we work hand-in-hand with them and we are committed to doing that going forward, we will get you a more in-depth brief.

Mr. CUELLAR. If you can have them come in, because they are saying something else. Thank you, Mr. Chairman.

Ms. PROVOST. Okay, all right.

Mr. CARTER. And I have a real interest in that, too, so we would like to be included in that conversation in my office.

Ms. PROVOST. Yes, sir.

Mr. CARTER. Mr. Taylor? I believe it is Mr. Taylor. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman. I just want to reiterate what my colleagues have already said, that we truly appreciate all the work that—the hard work that the men and women do at each one of your places, of course. It is thankless. Sometimes you get maligned for just doing your job. And we appreciate you, and I think if laws need to be changed, we should do that, right? You guys just enforce it. So I appreciate you.

Director Homan, a couple quick things on the—when does ICE anticipate obligating fiscal year 2017 funding for expansion of beds? Do you have a master plan that identifies specific locations? And what factors would you use to identify those locations?

Mr. HOMAN. We have been working on the expansion plan. We have—right now we have access to over 40,000 beds. We were actually at 42,000 in detention back in November, I think. We have identified beyond that 20,000 more beds that would be available that we could bring online. But what we are trying to do is, for our ICE dedicated and owned facilities, we would like to expand that. That is a long-term plan, because they have PBNDS 2011 standards. So right now, about 60 percent of our populations are in ICE owned and dedicated facilities, the plan is to get up to like 80 percent by the end of next year.

But we do have about 20,000 beds we have identified that could be turned on. But of course, the biggest issue is they have to be appropriate. They have got to have—good medical care, good mental health care. They have got to meet the standards—at least the U.S. marshal standards. For a lot of these beds that we can bring on are going to be beds. We keep aliens in custody less than 7 days, so standards can be a little bit less than what we have in PBNDS 2011, but we have a plan that we can execute.

Mr. TAYLOR. What is the factors that you use to identify locations?

Mr. HOMAN. We try to get as many as we can near the southern border, because it is easier for the quick removals and it is more cost-effective to remove somebody from Texas. Right now, we are trying to build a hub and spoke model. We are working with some contractors on doing the hub and spoke model. You know, we need

beds in New York, because we arrest people in New York, we arrest people in every major metropolitan area.

But we got to get them more hub and spoke, so we get people to a transit site. So when we do removal flight, instead of flying to eight different locations to pick people up to remove them, as they get closer to the removal process, we go to a hub and remove them from the hub. That is something we are currently drawing up the plans on now.

Mr. TAYLOR. One quick follow-up on the use of the GPS bands that use to monitor. Are they effective, efficient and will they replace the need for some beds, as well?

Mr. HOMAN. Detention is always best if you want removal, because if we have custody of them and they get order removal, we can remove them. Ankle bracelets can help make them accountable to show up in immigration court. But in the end, if they choose to cut the bracelet off, we have to go find them, and many times we don't find them.

So I will say, detention is always the best if you want a removal. I mean, it just makes sense. Ankle bracelet is the second best option. So we certainly do—we are over 70,000 ATD people now, so it is certainly an alternative for those we can't detain. Maybe have a health issue that we can't address in detention and we will release them on ankle bracelet. And let's say, it has got good response rate for showing up in immigration court. But when it comes to removal, it is much less than the detention.

Mr. TAYLOR. Thank you. Chief Provost, quickly, when I was down at the border recently, I saw about six or seven different types of fencing or wall throughout the different—you know, the border. And with the exception of, of course, Mr. Cuellar's area, with McAllen with the levee in it, is there sort of a standard practice now or desired fencing? Because some of them, of course, were very easily penetrated and some of them were not. Is there a best practice, best standard that we are going to use moving forward?

Ms. PROVOST. So I believe you saw the product of numerous years and various attempts at different barrier systems, and depending upon funding and all different things throughout the years. Of what we currently have in our toolkit, the steel bollard wall is a preferred wall. And as the prototypes come out, we support innovation—as I said before, the wall that we put in, for instance, the secondary wall in San Diego, when we put it in, worked at that timeframe, but they have—the TCOs have become more advanced, more advanced technology—makes it easier to breach. So we look forward to seeing what comes out of the prototypes and if we can add to that toolkit for options, since the border is very different and different areas require different type of barrier.

Mr. TAYLOR. Thank you, Mr. Chairman.

Mr. CARTER. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Yeah, I want to thank you all for being here. And it is a shame that you have to defend a lot of these things that are occurring in our country. I blame Congress for where we are right now. Our Senate passed an immigration bill without amnesty, and we couldn't get it on the floor in the House. So we have to keep trying, because this issue is splitting our country.

And we know a lot of the things that are alleged to have happened isn't who we are as Americans. But I really respect the fact—I was a former police officer when I was going to law school in Ocean City, Maryland, in the summer. I was a prosecutor for 9 years. So I understand law enforcement and where you are. And you have to stand behind your people, and they are putting their lives on the line. They are in dangerous situations. And you have a mission. And you have bosses. And the boss you have right now is the President of the United States, who won his election a lot on the visual wall issue, where Mexico was going to pay. I don't think that is going to happen.

And, you know, we all know that there are other—there is other technology that can do a lot better than a wall in certain situations and a wall might work or not work. But I want to get into this and get to the port real quick, because I represent the port of Baltimore.

Where a lot of these problems are, and I think if I was advising this President, is with what you have to do, it is—you have a reputation as bad guys coming to get, breaking up families, you are doing what you think is your job, because you are being ordered to do that. If I was advising the President, I think he could help bring this country together by saying that we are going after the bad guys, and that is what you have said.

And yet my office—and I am sure other offices—are getting complaints that if you have a DWI and you are arrested, you are gone, and your family can stay here. You are breaking up families. And DWI or traffic is not really considered to be the type of people that I think are hurting our country.

And so I want to ask you this—and then I want to get to the port—as far as we are concerned on ICE, what is your exact policy? If you pick somebody up who has a DWI, is that enough to have them taken away, put in jail, and sent back to their country? What is the policy?

Mr. HOMAN. If they are illegally in the United States, yes.

Mr. RUPPERSBERGER. Everybody is illegal. There are 11 million. So that is an issue you can use on every time you arrest somebody. What is the actual policy? Because—

Mr. HOMAN. If someone has a conviction of a DUI, I consider them a public safety threat and they should be removed.

Mr. RUPPERSBERGER. Okay, so that is the policy? How about a traffic violation?

Mr. HOMAN. That is less of a priority, but if they are in a country illegally, they should be removed if they have had the due process.

Mr. RUPPERSBERGER. There are 11 million illegals in this country. So that is not going to ultimately solve the problem. But I don't think that is your problem, because you have been hired to enforce. And I understand that. And again, I feel that you shouldn't be defending it. I mean, we are the policymakers. The President is the President of the United States. And I am saying this. I respect that you have a job and a mission, until you are told otherwise that you have to move forward with that.

Now, you do have an obligation as the boss to make sure—and same if you are a police chief or sheriff or whatever—that your people, when you have the power of arrest, that you do it the right

way, that you are not abusive or anything of that nature. That is your mission right there and you have to do that, and I understand that.

So I just want to say this, that, you know, Congress has to do something. Eleven million illegals in this country, we are not going to have everybody leave. I mean, and how we handle things, we are going to be judged down the road. And the quicker that we can resolve this, the better. But that is not your issue.

But let me get to the port of Baltimore—

Mr. HOMAN. Sir, can I address one comment you made? The one comment you made, which I hear all the time is, ICE separating families. When an American family, U.S. citizen family, when someone gets arrested, that family gets separated by law enforcement. It isn't the fault of law enforcement that people get separated. It is the fault of the perpetrator.

So if someone entered this country illegally and knows he is in the country illegally, and is found to be in the country illegally, ordered removed from the country, and chooses to have a child in this country that is a U.S. citizen by virtue of his birth, he put himself in that position. So ICE is not separating that family.

If we allow every illegal alien who entered this country and give birth to a U.S. citizen, and all of a sudden now we can't separate families, he gets to stay, then you lost control of the border.

Mr. RUPPERSBERGER. You are doing your job. I understand that. It is up to us to decide where we are going as Congress. And we have not been able to follow through on this.

Politically, look, unfortunately, we have a lot of politics in this country. We are split. I hope my—I try to be partisan—I mean, bipartisan—and I think, really, you should be American first and Republican, Democrat second. On both sides of the aisle, we are not real good at that at this point. And this issue has to be resolved.

And let me get to the port real quick. You know, there are other areas other than the southern border. And I agree that we must be able to work and protect our borders, as all countries need to, and that is for the safety of our country. Now, there are other ways, though, that illegal drugs, arms, contraband, and even weapons of mass destruction can come in. I know that there are 47 million 20-foot containers that are processed through American ports on an annual basis. That is a lot. And this opens up the opportunity for bad guys to bring in a lot of serious issues that we have there.

Now, again, I represent the port of Baltimore, which every port is a huge economic engine for wherever they are located. And the coastal ports right now are coping with severe shortage in Customs and Border Protection agents. And it is compromising security, reducing throughout and limiting hours of operation.

Now, I have been told that in order to maintain full service at the port—say the Port of Baltimore, that I represent, we will need to subsidize homeland security for additional personnel. And these agreements are being negotiated through the reimbursable services program known as 599 program. I don't know if you are familiar with it or not. Okay.

Now, in my opinion, this is an unreasonable request. Transferring these costs for the federal government to the state and local

governments I think is outrageous. You know, we swore an oath to protect our Constitution and defend our country. That is what the federal government does. That is why we pay federal taxes.

And when we pay these taxes, we expect protection from our federal government. Now, your agents have the experience to thwart terrorist attacks better than probably state and local, maybe—I shouldn't say that. Maybe they are good at it, too. But we need you there. We need to have your expertise.

The President's budget request more than \$300 million to assist Customs and Border Protection to staff up. However it is unclear where those agents are going to be assigned. I believe all ports should be staffed on a fair and level playing field, and the Port of Baltimore is seeing major growth, especially with the Panama Canal issues that are happening.

My question. Can you clarify how much of this supplemental funding will go towards additional Customs and Border Patrol staff at domestic ports, specifically ports that are expanding, since the reopening of the Panama Canal? Number two, is there available equipment which could effectively—and Cuellar got into this for a while—could be a force multiplier? In other words, what technology do you need so that we can make do with fewer agents?

And I know there is technology, like with the containers to try to find out if there is nuclear weapons or those type of things.

Mr. WAGNER. So there is no—in the 2018 budget request, there is no increase in staffing for the ports of entry. We are currently operating at about 1,400 vacancy rate based on the positions that were provided to us in 2014, the 2,000 extra. That is based on our workload staffing model. That is an annual assessment we do of the workload and how many hours it takes to do that work.

There is still a current shortfall above and beyond the 1,400 of about 2,500 positions based on that workload assessment. So we are in agreement on the need for staffing. We are in agreement that we have a large number of vacancies that we are trying to fill right now. And we need to fill those before we can come back and ask for more above and beyond that. We need to do a better job at filling those vacancies.

Now, as far as the reimbursable services agreements, what those allow us to do is to provide services above and beyond what we are already providing. So if an entity comes to us and says, we would like expanded service at this location for this purpose, what would it cost us to pay the overtime of the officers to be there to do that? It allows us to provide that cost to see if it fits in with that business entity's operating model.

Mr. RUPPERSBERGER. And that is my rule. I believe that should be the federal government paying for it. But I understand that is not your call. You need the money and you are just implementing.

Mr. WAGNER. Right, it is just a way for us to—

Mr. RUPPERSBERGER. It comes back to Congress again.

Mr. WAGNER. It is a way for us to expand the service that we probably have to deny, just because we can't stretch the resources that far.

Mr. RUPPERSBERGER. I understand.

Mr. WAGNER. And then as far as the equipment, let me get back to you on what we have on the Port of Baltimore and what we have got lined up for there.

Mr. RUPPERSBERGER. Okay, got it. Make sure you get back.

Mr. WAGNER. I will.

Mr. RUPPERSBERGER. Okay, got it. Thank you. Yield back.

Mr. CARTER. Palazzo.

Mr. PALAZZO. Thank you, Mr. Chairman. And I just want to echo the comments made by many of my colleagues thanking you for your service and your sacrifice and trying to keep American families safe and enforcing the law and maintaining integrity. I think that is an awesome and expected approach from your organization.

Can I ask—and this is in general for any of the three—what is—when I was on the homeland security authorizing committee, we talked about operational control. What percentage of operational control do we have on our borders at this time? I think it was below 50 percent a couple years ago, but I am not sure.

Ms. PROVOST. So the Border Patrol over the last couple of years had moved away from operational control to a risk methodology, where we began looking at the border as whether or not an area was low, medium or high risk. Kind of building from where we used to work off of OPCODE. As a whole, from the Border Patrol perspective, we are at a medium risk across the southwest border. Each different AOR falls into a different area.

Mr. PALAZZO. So what actually does the medium risk mean? I mean, you know, you are missing 50 percent of all crossings or what—

Ms. PROVOST. It is a mixture of quantitative and qualitative, so we look at numbers, of course. And similar to—as Chairman Carter stated, when we talk border security, and operational control of the border, it isn't just immigration flow, illegal immigration flow. There are many other factors in there. So we take those—

Mr. PALAZZO. And can you expand on that? That was another question I would have is, what are the types of threats crossing our border? I mean, we always seem to be thinking of the people coming across to work in nurseries or, you know, to find jobs in some form of agricultural community. But what are some of the other threats that we as Americans should be aware of? And that is why we need to secure our border and protect Americans and our families.

Ms. PROVOST. So we have many criminal aliens, meaning individuals who have beyond—to Mr. Homan's point, the fact that they are violating the law by entering the country illegally, they have committed some other crime, as well.

So those individuals, of course, are our top priority for us if we come in contact with criminal aliens to get them prosecuted and properly removed.

Mr. PALAZZO. So there is drug trafficking, there is sex trafficking—

Ms. PROVOST. There is drug trafficking.

Mr. PALAZZO. There is gun trafficking.

Ms. PROVOST. Yes, sir.

Mr. PALAZZO. There is all kinds of threats coming across our border. What about foreign nationals and possible people that are, you know, may want to do us harm? Have you all apprehended any?

Ms. PROVOST. We have. Those numbers are small. But that is something that is a top priority for us. And we work very closely with our partners at ICE and DOJ, Department of Justice, as well, when it comes to any individuals of specific interest there, yes.

Mr. PALAZZO. You mentioned—so there is authorization and appropriations for 5,000 additional agents. And you mentioned hiring surge. How long is it going to take your agency to advertise, identify, vet, train 5,000 additional agents?

Ms. PROVOST. That is a very good question. And of course, for fiscal year 2018, we have asked for funding to support the hiring of 500 additional Border Patrol agents. Similar to what Mr. Wagner stated, we are below where we had been at our highest level, with our 21,370. We are down about 1,800 agents right now.

So that with an additional 5,000 is going to take us a little bit of time to do. But we are ramping up our recruitment and our hiring efforts, have been working very closely with our human resource management team and some of the funding that you all have provided has been supporting that effort.

It is a top priority for us to ensure that we get the best quality people and ensure that we have no lowering of standards. So it is going to take us a little bit of time to do that. Five hundred is a good start for us in fiscal year 2018.

Mr. PALAZZO. Thanks, Chief. And one of the reasons I asked that is because I know that the National Guard has been utilized on past occasions. And I think the National Guard still has probably an active role, and I think it started with Operation Jumpstart, with President Bush, and then President Obama also added additional National Guard members.

And I think when you said surge, I am thinking the surge that we did in Iraq and Afghanistan with National Guard troops. And we were extremely successful in turning the tide of the war in both of those countries. And I see in the Guards, what, 400,000 people in the National Guard, 300,000 in reserve component. I see a resource just sitting there for you to—I mean, I know they can't do law enforcement functions, but they can do everything else. They can do intelligence, surveillance, reconnaissance. They can do vertical and horizontal construction.

I mean, I think that is just a huge augmentation that is sitting there, ready and waiting, and all you have to do is ask.

Ms. PROVOST. They certainly have supported us in the past. And they currently support us in many fashions. To your point, ultimately, we need to get to where we have the Border Patrol agents with that law enforcement capability on the border to be able to reach that operational control we are talking about.

Mr. PALAZZO. Right. And that is the long-term solution. And I would just like to continue to argue, look at the National Guard. I know whether it is Air or Army National Guard or any state, you would have thousands of people volunteering immediately to come down there and to help secure our border in any form or fashion. And because they have served overseas and they are willing to protect Americans here at home, as well. So, thank you.

Mr. CARTER. Mr. Price.

Mr. PRICE. Thank you, Mr. Chairman. Welcome to all of you. Mr. Homan, I would like to focus in on the question of enforcement priorities and what kind of discretion the agency has in determining whom to detain and deport.

I have supported efforts for years. And at one point I was chairman and then ranking member of this subcommittee, supported efforts for years, like the priority enforcement program that utilizes what we acknowledge are limited immigration enforcement resources to prioritize individuals who have committed serious crimes and who pose an immediate threat to their communities.

And I am not saying that provides a free pass to anybody, but it does assume that the discretion that you have will be exercised in this direction. President Trump has said much the same thing, that he wants to focus on deporting dangerous criminals. But I would say there is a good deal less focus in the actual way enforcement has gone.

I understand earlier this morning you said that the budget will allow you to interpret—to implement Trump's enforcement priorities. Maybe interpret is the right word. We maybe need a reiteration of what you take those priorities to be.

According to your own recently released data, 21,360 immigrants were arrested from January through March. That is an increase of 32.5 percent from the same period in 2016. The arrest of immigrants with no criminal records more than doubled during this timeframe. In the Atlanta ICE field office, which covers my state, there were nearly 700 arrests of these immigrants with no records, as compared to 137 arrests during the same period in 2016.

So even at this accelerated rate, deportations are only a fraction of the millions who are here illegally. There will always be that situation. Therefore, priorities must be set. Discretion, whether recognized or not, will be exercised.

The President has said there will be priorities. Yet I am baffled by Secretary Kelly's portrayal of the department's action, as if he had no discretion whatsoever, that he is simply following the law. He got pretty defensive about this. I am quoting him here. "If lawmakers do not like the laws we are charged to enforce, that we are sworn to enforce, then they should have the courage and the skills to change those laws. Otherwise they should shut up and support the men and women on the frontlines."

Believe me, Congress isn't trying to antagonize the secretary. We are simply acknowledging, as we have ever since the beginning of this department, that discretion exists, discretion is necessary, discretion is being used. What we want to know is how. Isn't discretion of some sort inevitable? We are not going to deport every immigrant. What can you tell us about your current guiding criteria for the exercise of discretion? What is your order—what is the order of removal strategy? And if you and the secretary believe Congress must, quote "change the laws" to give you discretion, what do you suggest we do?

Mr. HOMAN. Well, as I testified earlier, the priorities within the executive order are listed. We prioritize criminals and national security threats first. Then we look at fugitives, those who entered the country illegally, been ordered removed by an immigration

judge—which means they have had their day in court and their due process—have been ordered removed by a federal judge, and they fail to depart. We call them immigration fugitives. They are someone that are also a priority, which weren't a priority in the past administration, unless they became a fugitive after January 1, 2014. And that took over 400,000 people off the table who had their day in court that we basically weren't looking for.

Also, those that have been ordered removed were removed and re-entered to the United States, which is a federal felony. They are also priorities. The aperture is open, so when we find illegal aliens, first of all, we are not out doing sweeps or raids looking for illegal aliens. We go out looking for the targets I just described to you, but if we find somebody here in the country illegally, we are going to put them in front of an immigration judge. That is our job. And I think it is the right thing to do.

As far as the numbers you quoted, there has been a significant increase in non-criminal arrests because we weren't allowed to arrest them in the past administration. We were arresting criminals, so you see an uptick in criminals a little bit. Moderate. But you see more of an uptick in non-criminals because we are going from zero to 100 under a new administration.

And when we talk about non-criminals and criminal aliens in the United States, most of the criminal aliens we find in the interior of the United States, they entered as a non-criminal. If we wait for them to violate yet another law against the citizens of this country, then it is too late. We shouldn't wait for them to become a criminal. But once they do, we will prioritize them. But non-criminal enforcement is important because if there is no consequence to illegal activity and entering this country, as long as you can get by the Border Patrol, the fine men and women of the Border Patrol—I served them, honored to wear the green a long time ago—we can't send the message, get by the Border Patrol, get in the interior, as long as you don't go break another law, you are home free? Then you are never going to gain control of the border.

Mr. PRICE. But that—by that standard, you are talking about every immigrant in the country without papers.

Mr. HOMAN. As I said earlier, if you are in this country illegally and you committed a crime by entering this country, you should be uncomfortable. You should look over your shoulder. And you need to be worried.

Mr. PRICE. So what is this prioritization of people who have committed serious crimes? What does it mean? Does it mean anything?

Mr. HOMAN. Absolutely. We still prioritize criminal national security threats. And what we are saying is, but no population is off the table. When you start taking entire populations off the table, then you have destroyed the foundation of law enforcement.

I mean, if we don't enforce the law, then that is not the country I grew up in, sir. If you violate the law, you should be held accountable. And the reason Congress passed laws is to protect this country. And like I said, if we don't—we are a sovereign country. We need to decide who comes in and out of this country. If we don't hold people accountable for entering this country illegally, then what are we all doing?

Mr. PRICE. Well, this isn't a question of securing the borders. I think we agree on that premise. It is a question of how our enforcement resources, limited resources—actually, pretty severely limited resources, when you consider 11 million people here without papers—you know, how are those to be deployed? And are we to set any priorities at all in terms of the danger to the community posed by certain classes of individuals?

It seems to me you are saying both things here. You are saying, yes, we are prioritizing those dangerous folks, but by the way, we are going after everybody.

Mr. HOMAN. I mean, we do prioritize who goes first, who should we look at first. Prioritization doesn't mean, okay, here is what we are looking for and everybody else forget about. We look for these people first, but these people should be on the table.

I mean, it is meaningful enforcement. We do prioritize. The numbers speak for themselves. But if we are really serious about criminal aliens and making sure we get them off the street, then Congress can certainly help me dealing with sanctuary cities that don't want to help us with criminal aliens, give me access to jails that don't want to help me remove criminal aliens, and doing things that helps me put the men and women of ICE—put them in a safer position. Rather than the arrest of the illegal aliens and criminal aliens in a county jail, in the safety and security of county jail, they have to go knock on a door.

And it is only a matter of time before one of the men and women of ICE don't go home at night because they had to go arrest a criminal alien in a home rather than getting them in a county jail in a sanctuary city that the sanctuary city is—are a danger to the men and women of ICE. And so you can certainly help me if we want to target more criminals. Congress is certainly positioned to help me do that.

Mr. PRICE. These are limited resources. These are hard choices, I would grant you. But it seems to me over the years there has been a bipartisan agreement for the most part that people who pose a danger of the community should be on the priority list for enforcement, for detention, and deportation.

And the notion that, on the other hand, everybody is a danger, you seem to be suggesting that it is almost an indiscriminate danger posed by the entire immigrant population, then you are talking about for every dollar that is diverted toward that larger population, you are talking about a dollar that is not spent going after dangerous people. And so governing is about hard choices. And we are looking for some specific indication of how you are making those choices.

And if the law needs to be changed to address your priorities, then how should we change it?

Mr. HOMAN. First of all, I want to be clear, we do prioritize criminals and national security threats. We prioritize. Which means they are more important to us. They come first. But prioritization doesn't mean everybody else is off the table, we don't take any action. There has to be enforcement of immigration law on the borders or we are going—you can't argue with the fact that—that the operational tempo we have right now has had a sig-

nificant impact on illegal immigration on the southern border. It is working.

I have been doing this for 33 years. If there is not a consequence to deterrence the illegal activity is not going to cease. We finally have that and it is working. So we do prioritize criminals and national security threats, but again, when you enter this country, sir, illegally, you are violating the laws of this country. It is a crime. You need to be held accountable.

We will certainly make sure they get their due process. They will see a judge. We spend billions of dollars a year on border security, detention, immigration judges, attorneys. And at the end, when a federal judge makes a decision, that decision needs to mean something or the whole system has no integrity. That is what I am trying to explain. So prioritization absolutely does happen.

As far as legislation to keep the men and women of ICE safer, in my opinion, sanctuary cities are a danger to law enforcement officers. It is a danger to communities. Jails that don't honor our detainees. Jails—Cook County, Chicago, Chicago has significant criminal rates right now. It is the history of this city. They got—crime is running rampant. Are they doing everything they can to solve their crime issue? No. Why not? Because ICE officers, federal law enforcement officers aren't allowed to enter Cook County jail.

Federal law enforcement can't walk into Cook County jail to talk to somebody that is, number one, illegally in the United States, committed a crime entering these United States illegally, and committed yet another crime against a citizen, and my officers aren't allowed to go in the jail to apprehend that subject so he doesn't go back on the street to reoffend. Recidivism rate runs around, what, 40 percent to 55 percent. They are going to reoffend.

So there are certainly things Congress can do to help me keep the men and women of ICE safe, keep our communities safe, and drive down the crime rate.

Mr. PRICE. Mr. Chairman, I am sure my time is expired. Sanctuary cities, as you know, is a very loose, porous term that applies to lots of situations. Let me just say that if the idea is that ICE should have access to knowledge and access beyond just knowledge, to people who have committed serious crimes who are being released from our penal system, then you get no quarrel from me and I think from most people.

But if you are suggesting that in various other ways local law enforcement needs to be the long arm of ICE, you know as well I do that will compromise their access and their work with local communities. It will make their job infinitely more difficult. And there is plenty of good law enforcement to that effect.

Thank you, Mr. Chairman.

Mr. CARTER. Thank you, Mr. Price. I am going to go to Mr. Culberson next. And I am going to have to surrender the chair to Mr. Culberson. I have got to leave. We have gone over. Everybody but Mr. Fleischmann has gone over our 5 minutes today. And I intended that. You are a very important part of what we do in this department. And thank you for what you do, all of you. I can tell you from experience of 35 years that it is dangerous for an officer to approach a resident. In fact, I believe more officers are killed or injured going to domestic disturbances than probably any other sin-

gle events, when they are just fighting in the house, and yet the officer gets killed.

And so when you make it unfortunate that the only way they can do their job is go interfere with families, they are at higher risk sometimes than any other place where they go and do their job. So—in defense of what Mr. Homan is saying, I agree with him. And it makes absolutely no sense to me over my experience of multiple jails that I had oversight over, that they don't allow people to interview in jails.

But that is a different question. And I wanted to end by saying I agree with everything you had to say. I have got to go. God bless you. Thank you for what you do.

Mr. Culberson, thank you.

Mr. CULBERSON [presiding]. Thank you, Judge.

Director Homan, Commissioner Wagner, Chief Provost, I want to thank you on behalf of the people of the United States for your service in protecting us. Director Homan, you are exactly right. We are a nation of laws. And if the law is not enforced, if there is no consequence to illegal activity, there is no way to get it under control.

I am reminded of the very first inscription on the first coin ever minted in the Republic of Mexico was liberty and law, because our liberty does depend on law enforcement. And deeply appreciate the commitment of each and every one of your officers have to keeping us all safe by enforcing the law.

And a great example of that is the fact that I have seen just from the President's open and very close direction that the law is going to be enforced and the border secured that I have seen numbers that illegal crossings have declined by as much as 70 percent since January. Is that accurate?

Ms. PROVOST. Those numbers have declined dramatically. The lowest numbers we have seen in several years.

Mr. CULBERSON. It is encouraging that the President's executive order—that the border will be secured and the laws enforced and that countries that refuse to issue travel documents to people that are in the United States illegally that are going to be deported, that countries that will not issue travel documents to those individuals, that that is going to be a pre-condition to any negotiation or discussion with those countries.

And I heard you mention, Director Homan, that there used to be 23 to 24 recalcitrant countries, and that is now down to about 11, just enforcing the law, just common sense. Works.

And the definition of sanctuary cities is actually very clear cut. There was a law passed, David, in 1996 that the—was passed for the specific purpose of stopping sanctuary cities from shielding people in the country illegally. It is title eight of the U.S. Code, section 1373, and it says in pertinent part that federal, state or local government entity or official may not prohibit or—and here is the key part—in any way restrict sharing information about people in their custody, their immigration status, with federal authorities.

When Kate Steinle was murdered last summer, it affected me and I know everyone in the country very, very deeply. I chair the Commerce, Justice, Science Appropriations Subcommittee. Have worked for years to see that our border is secured and our law is

enforced. And when I discovered 1373, I worked quietly and very effectively with Attorney General Loretta Lynch—and this is not widely known—but I persuaded her last summer to change Department of Justice policy last July, and the Department of Justice issued new guidelines that they notified—DOJ notified every county, city, and state in the country that if they did not comply with 1373, they were considered a sanctuary jurisdiction and they would forfeit all their federal law enforcement grant money.

Mr. PRICE. Will the gentleman yield?

Mr. CULBERSON. Yes, sir.

Mr. PRICE. I understand very well what is in the law. And I understand very well the obligation of local jurisdictions to share information with immigration authorities about criminals who have been in custody who are being released. And the whole origin of the focus on dangerous criminals, you may remember years ago came when we found that tens of thousands of people were being released from America's prisons at all levels without immigration even knowing who they were. This was with—I remember ICE Commissioner Julie Myers' testimony and the aftermath of that, this was the beginning of this effort.

But when I say sanctuary cities is a very porous definition, I am referring to some pretty significant experience in the state of North Carolina and other places where people use that term to cover all sorts of exercises of discretion by local law enforcement that local law enforcement testifies very convincingly that it needs.

Mr. CULBERSON. Yeah, we are not talking about making local law enforcement that arm of federal law enforcement. And specifically this is a very narrow and precise definition that local and state jurisdictions cannot interfere in any way with sharing information with federal authorities about illegals in their custody.

So I made certain that the previous administration, Attorney General Lynch, changed the Department of Justice's federal grant policy and notified every jurisdiction in the country that unless they comply 100 percent of the time with 1373, that they would lose their eligibility for federal law enforcement grants and that policy with all the jurisdictions were notified last summer. They had a chance to cure it. They did not do it.

And when the new administration came in—and frankly, one of the principal reasons that President Trump won the election was his promise to the country that our laws would be enforced, our border would be secure, our nation will be respected again, that the flag, our men and women in uniform and the military and our men and women in uniform in law enforcement will be respected.

Law enforcement is the foundation of all our liberties. And the Department of Justice inspector general at my request certified the top 10 sanctuary jurisdictions in the country, which includes the entire state of California, so this summer, the state of California will lose a minimum of \$68 million, \$69 million in federal law enforcement grant money, unless they repeal their state law shielding illegal aliens in state jails, in state prisons in California.

The state of Connecticut will lose all their federal law enforcement grant money this summer unless they repeal their law. New Orleans already changed their policy. As you said, the recalcitrant countries that refused to issue travel documents have already

changed their policy. New Orleans has folded, and they have changed their sanctuary policy.

Miami-Dade changed their policy, so they agreed that if—they didn't want to lose the federal money. New York City will lose \$15 million this summer. Philadelphia will lose \$1.7 million this summer. Cook County will lose a minimum of \$3.7 million this summer. Milwaukee will lose about \$1 million. And Clark County, Nevada, will lose \$1.7 million.

Receiving federal money is not—you know, receiving federal model is optional. And the policy that I was able to institute as chairman of the CGS Subcommittee and that President Trump and Attorney General Sessions and the President of the United States have now broadened to homeland security grants, as well, if you want federal money, follow federal law. It is very simple. We do this with our kids. My money, my rules. This is very simple.

So, Director Homan, I wanted to ask you. I have given you a copy of the memo that I am prepared to list the initial 10 sanctuary jurisdictions that I already had certified as ineligible for federal law enforcement grants. Under the President's executive order, how many additional jurisdictions are you—do you believe that you could identify that are in violation of 1373 that would no longer be eligible for federal law enforcement grants or homeland security grants?

Mr. HOMAN. I don't have that number in front of me, but I think it is well over 100 that have some sort of policy where they don't honor detainers or allow us access to the jails. I have to get back to you on the exact number.

Mr. CULBERSON. And you are in the process of identifying those right now so that they could be certified by the attorney general?

Mr. HOMAN. Yes. We got what we call the declined detainer report, which was a requirement through the executive order that we started. We pulled it back because there was some data issues with it. We have been meeting with the National Sheriff's Association the last few weeks. We are really close to a final product. And that will help us identify those jurisdictions that don't cooperate.

Mr. CULBERSON. And it is important to note that the California judge that blocked temporarily President Trump's executive order on enforcing our immigration laws, who was appointed by President Obama, this judge in California explicitly upheld the ability of the administration to enforce section 1373, this law that the attorney general, at my request, used to certify these initial 10. There is about—you say 100 sanctuary jurisdictions that you are working on right now to—if I could, as soon as you have that list available, if you would share it with me, I would be grateful, because I will be sure to help you expedite the certification of those jurisdictions so they don't—it is their choice.

If they want to shield criminal illegal aliens in their custody from being deported from the United States, don't ask for federal money. Those days are over. You cannot receive federal money and shield dangerous criminals from being deported. I very grateful to you for the good work that you do to protect people of the United States and your officers and doing all that you can to help ensure that there are no more Kate Steinles. It means a great deal.

Mr. HOMAN. Thank you very much for the comments and thank you for your work, but I would be remiss if—it is not really me. It is the 20,000 American patriots that work for ICE that put their lives on the line every day to uphold the laws of this country. So thanks to them.

Mr. CULBERSON. We deeply appreciate each and every one of you. And we have got your back. Thank you very much.

Dr. Harris.

Dr. HARRIS. Thank you very much. And also, you know, thanks to you as members of the law enforcement community of the United States, you don't get as much appreciation some days as you deserve.

Acting Director Homan, I think I will leave the committee and write a letter to the President suggesting they take the word acting from in front of your title, because you obviously have a command of what needs to be done. And I see—you know, you are a former law enforcement—local jurisdiction, I guess New York City I think it said in your biography.

In your mind, is there this dichotomy between the way the rank-and-file law enforcement want to think about cooperating with ICE and the way the political leadership does? You know, I am in a jurisdiction—my resident county executive decided he wants to be a sanctuary jurisdiction. So he doesn't want to cooperate with local ICE. And I agree with you, I think that makes it more dangerous.

But I understand the political grandstanding. I get it. At the local level, when you talk to the men and women who are out on the streets every day trying to protect us, trying to protect Americans, do they also resent interacting with ICE? Or do they actually welcome the fact that there is some part of law enforcement that they are entrusted with, there is some part you are entrusted with, and that the cooperation should exist between those two?

Mr. HOMAN. I can't speak for every street cop. I was a law enforcement officer, patrolman, not New York City, upstate New York. However, in my 33 years, the officer on the street wants to work with ICE. When they run into someone that is a criminal, a threat to the community, if they have an option of removing that threat, not only from the community, but from the United States, most law enforcement officers want to take that opportunity.

And I will tell you, even though there are some restrictions in some counties and some cities about cooperation, I can tell you for a fact we have—we are working with some sheriffs and some chiefs and not on record, but they may not honor the detainers, but they are going to call us before they release somebody. They are trying to do the right thing out of really tough situations.

So I think a law enforcement officer, to want to go into a life of law enforcement and put a badge on your chest every day, I think the rule of law means something to these people. And—

Dr. HARRIS. No, thank you. Look, I agree with that. Everyone knows—I mean, I am the son of immigrants. My parents came to this country because it was the country of the rule of law, which separates us from a lot of other countries in the world.

Mr. HOMAN. And many of my law enforcement officers came in as immigrants or they are children of immigrants, but they did the right thing. They followed the law. They become citizens. And that

is all we are asking. I mean, the country I grew up in, law enforcement was respected and revered. And the constant every morning reading in the press about ICE officers and separating families and putting fear in communities, it is unfair to the men and women that chose to serve their country.

Dr. HARRIS. Sure. No, you know that Gustavo Torres, you know, over at CASA, basically said you terrorize people. I mean, basically called our law enforcement terrorists. It is stunning, just stunning to me. I want to thank you. Again, thank you for the service and the service of the men and women who serve under you.

You know, with regards to this idea of dangerous criminals, not dangerous criminals, gee, if somebody gets caught drunk driving, maybe we should just look the other way. You are aware that according to the CDC study in 2011, you drive drunk 80 times before you are caught, 80 times. So in fact, someone who is in this country illegally who is caught drunk driving has probably threatened Americans 80 times by getting behind the wheel. And this is CDC. This is not made up.

That is someone who came to this country and decided to repetitively break the law. And I am just going to disagree with the people who think that we should someone turn the other way, because that is a minor crime of some kind. It is not. It might be minor until they kill someone. And then all of a sudden, you know, it is too late for the outrage.

Mr. HOMAN. Two points. I hear a lot of folks say, well, it is just a misdemeanor compared to a felony. Well, look, if I had my choice, I had someone who committed a white-collar bank fraud that is a felony or someone that committed a public safety misdemeanor, the misdemeanor is more important to me to get them off the street, first of all.

And second of all, people say, well, it is just a misdemeanor. It really doesn't mean anything. Well, that depends on what side of that misdemeanor you are on. If you are a victim of that misdemeanor, if you are a victim of identity theft or theft of your vehicle or assault, that is a misdemeanor, if you are a victim of that, if you are on that side of that misdemeanor, it is certainly meaningful.

Dr. HARRIS. And not only that, I would offer that people who commit serious crimes aren't always arrested for the serious crime. I mean, that is the broken window policy in New York. I mean, you have to—if you want to eliminate crime generally, you have to have more or less a zero tolerance. And I appreciate that you are going to have that.

Now, I do want to end on just one topic. This idea of sanctuary campuses. Because, you know, just to extend what Mr. Culberson has talked about, you know, jurisdictions that take federal dollars and then choose not to cooperate with federal law enforcement, obviously we have this issue now of these universities who issue fairly global statements, University of Pennsylvania, you can go—you can search it online, just basically say, look, we are not going to allow ICE on campus, basically.

And it doesn't say only to go after someone who is a DACA or a potential DACA. It is just, no, they are not allowed on campus. So I have a question for you. Where else are you not allowed to go,

which is a relatively public place? I mean, it is just curious that, you know, these urban universities, they spread over large parts of—so there are zones where you are not allowed to actually physically be present, according to their policies? Are there other places in general where you are not allowed to be?

Mr. HOMAN. Well, sir, as far as campuses, if they want to call themselves sanctuary campus and won't allow us to go arrest a public safety threat, national security threat, then we will just get a warrant to go on campus anyways.

I have seen a lot of media reports where schools are—you know, high schools and elementary schools are going to create a policy where ICE is not allowed to arrest anybody on campus, that is where the mixed messaging is coming from. We don't arrest people in schools, in grade schools and high schools. We don't do it.

So who is putting the fear in the immigrant communities? These groups that are mixed messaging what ICE does. There is no reason to pass a policy that ICE won't arrest somebody in elementary school. We wouldn't do it anyways. And that is why I have a sense of location policies.

Like I said, the 20,000 men and women that work for ICE, they are law enforcement professionals, but they have hearts. Do they feel bad about what is going on in central America? Yeah. I have been to Central America. Those countries aren't as nice. The United States is much nicer. And I can't blame anybody from wanting to come here.

But you can't want to be a part of this country and not respect our laws. You can't have it both ways. You want to be a part of this country? Follow the law. Respect the law. And we will accept that. But you can't have it both ways. You can't say I want to be a part of the greatest country on Earth, but I want to ignore their laws. You can't have it both ways. That is not the America I grew up in.

Dr. HARRIS. Thank you all very much. And I yield back.

Mr. CULBERSON. Thank you very much, Dr. Harris.

I just can't tell you how much we—the people of the United States I know appreciate what you have just said is so true. We trust the good hearts and the good sense of our men and women in uniform, each and every one of you. We are so grateful for your service, whether you be in the military or in law enforcement. We trust your good hearts and your good sense to do the right thing for the right reasons.

That is the America we grew up in. What a comfort. That is precisely why Donald Trump won this election. One of the major reasons. People want to see the laws enforced and our men and women in uniform respected.

I wanted to ask if you could, Director Homan, about the—an inspector general's report that came out under the previous administration regarding fingerprints and individuals who had been in the country illegally that DHS fingerprint database against which aliens are checked was incomplete. And according to the inspector general, the incomplete database under the previous administration, there were at least 858 individuals from countries of concern who were granted U.S. citizenship, despite the fact that these individuals lied about having alternate identities, made fraudulent

statements, or concealed important information from adjudicators. These individuals had been ordered deported or removed under their alternate identities.

Yet when they concealed their identity, these individuals, because of the incomplete database under the previous administration, were granted citizenship. The inspector general reported that some of these individuals went on to hold security clearances, and one even worked in law enforcement. I wanted to ask you, sir, because the law as I understand it says that these individuals, once DHS identifies these folks, that you can refer them to the Department of Justice for revocation proceedings, and it is mandatory for DOJ to revoke their citizenship and to deport them.

Of those that were investigated, under, again, the previous administration, the inspector general said only 28 cases have been referred to the Department of Justice for revocation proceedings, and ICE decided to administratively close another 90 cases, again, under the previous administration. So under President Trump's leadership, the law is going to be enforced, our men and women in uniform respected, our nation of laws is going to be restored as the foundation for all our liberty, does ICE plan to investigate all of the remaining individuals identified in that inspector general's report, and any other individual that obtained naturalization through fraud or concealment of their identity?

And if you could tell us how many of those you are going to refer to the DOJ and keep me posted so I can help back you up as chairman of the Commerce, Justice, Science Appropriations Subcommittee to ensure these folks are revoked, have their citizenship revoked and are deported.

Mr. HOMAN. Of course. I would have to get an update on where we are at on that initiative. I know we are working very closely with CIS to identify those folks. And of course, again, we have to prioritize who is within that group, so those that may be in a position to affect national security or some sort of critical infrastructure, they will be dealt with first.

But I am surprised by the numbers you presented of cases that are administratively closed. That is something I will take back with me today and I will get back to you on that by—I certainly think—

Dr. HARRIS. Thank you.

Mr. HOMAN. Yep. We are certain looking into and leaning forward on that.

Dr. HARRIS. Thank you very much. Ms. Roybal-Allard.

Ms. ROYBAL-ALLARD. Thank you, Mr. Chairman. First of all, let me just say that I have law enforcement in my own family. So I have firsthand knowledge of the dedication and the courage of law enforcement officers, the dangers that they face, and the sacrifices that not only they make, but their families.

But that doesn't mean that we as elected officials and members of Congress shouldn't question, challenge, get clarification, or recommendations on policies and laws. And as policymakers, we shouldn't need to apologize for doing so.

And the fact is that as was mentioned by another member of this committee, part of the reason that we are in this situation is be-

cause Congress itself isn't doing its job. Much of this could be addressed by passing comprehensive immigration reform.

And the result of not doing what we have an obligation to do results in some of the things that Mr. Culberson has said, which really goes in many ways contrary to the very thing that we are trying to do. Taking federal money away from local law enforcement is only going to make it harder for law enforcement to go after the real criminals, the murderers, the rapists, the drug lords. And so this is just an example of what the consequences are of Congress not doing its job.

Having said that, many of the questions that I have, have already been asked. But I would like to ask you, Mr. Wagner, regarding the issue of credible fear claims and CBP policies. The number of individuals and families attempting to cross our southern border has decreased over the last several months, but many of those still coming are desperately fleeing violence in their homes and their countries, violence that is often directly targeted at them and their families.

CBP southwest border apprehensions in the second quarter of this fiscal year were 56 percent lower than the first quarter. However, the number of credible fear applications dropped by only 21 percent, and the percentage of positive credible fear determinations was largely unchanged at 77 percent. Earlier this year, there was a significant number of reports of CBP officers at ports of entry turning away individuals attempting to claim credible fear. This was documented in the press and more recently in a report by Human Rights First based on firsthand interviews.

According to that report, some of the individuals turned away were subsequently subjected to kidnapping, rape and robbery. In some cases, individuals were allegedly being told they are not welcome, while in other cases asylum seekers were instructed to try again another day when the port was less busy.

It is my understanding that CBP is legally required to process credible fear claims when they are presented, and it is not authorized to turn back individuals claiming fear even temporarily. In addition to commenting on those allegations, what steps can be taken or have been taken to ensure this is not occurring or continuing to occur at the ports of entry, such as, is there training or other guidance, reminding CBP personnel how they are required to treat individuals who express fear?

Mr. WAGNER. Sure. It was a question really of the space available to process people. And our facilities were at capacity to be able to take more people in, go through the processing, and turn them over to ICE after that. And the building was full, and we could not humanely and safely and securely hold any more people in our space.

The ports of entry converted administrative space to be able to hold people in as comfortable a manner as we could. You know, we converted a lot of space to be able to do that. The ports of entry just do not have the kind of space to hold large volumes of people during the processing and then holding them until they are picked up.

So we worked a process out with the Mexican authorities to be able to limit how many people a day could come across the border

into our facility to be able to be processed. But it was not a question of us not wanting to do it. It was a question of us not having the space to be able to do it safely and humanely and providing space in Mexico for them to wait until the space freed up on our side to be able to move people into it.

Ms. ROYBAL-ALLARD. Okay. And can you elaborate a little bit more on some of the contingency plans you have established to mitigate the limiting factors that you just talked about?

Mr. WAGNER. So like we demonstrated, working with Border Patrol and with ICE, that we could set up temporary facilities, like we did in Tornillo and Donna, Texas, that we can quickly set up temporary space to house people humanely and securely while they are awaiting processing and then waiting to be picked up. Those facilities are not needed right now, so they have been taken down, but we are well prepared to be able to set them up on fairly short notice should a surge of migrants return to the southwest border.

Ms. ROYBAL-ALLARD. So it wasn't an issue of officers not knowing what the law was. It was more of an issue of capacity?

Mr. WAGNER. It was an issue of capacity and being able to put people into the facility without being overrun or having unsafe and unsanitary conditions. But I can tell you, we converted a lot of administrative space, such as this room, to temporarily house people for a day or so, so they could await being processed and await going through those procedures we need to do before we hand them off to ICE.

You know, we converted a lot of space. We had people sleeping in hallways and conference rooms and building temporary showers and temporary bathing facilities for people to be able to do that.

Ms. ROYBAL-ALLARD. Okay. And, Director Homan, we have heard that in most cases ICE is no longer paroling individuals with positive credible fear determinations while they await an asylum hearing. Is that accurate? And if so, can you explain the rationale for detaining these individuals seeking asylum? And to the extent that ICE is placing a heavier burden on detained persons to show they are not a flight risk or a risk to the community, what is the standard for how that can be demonstrated?

Mr. HOMAN. If I could, just expanding on John Wagner's statement, you know, that is why we are here today, about the budget, ICE is in need of more beds, because the reason CBP was in the position they were in, because I couldn't take custody of everybody. We were full. So that is why they had to make contingency plans and that didn't help anybody, which is one of the reasons we are asking for more beds and situations like that.

As far as parole, the instructions are to follow the rule of law. People will be paroled if they can establish their identity that they are not a flight risk or safety risk. A lot of these people who get credible fear show up at ports, they don't have a passport, they don't want to provide addresses where they are going. We can't verify their addresses.

So if we can verify they are not a public safety threat, and they are not a flight risk, they will be paroled, but, you know, many times they are not able to do that. And that is their burden. So the law hasn't changed—

Ms. ROYBAL-ALLARD. Is there a standard?

Mr. HOMAN. No, again, it was lack of bed space and under prior administration we took an easier stance. Now, you know, my instructions to the field is follow the law. If they can establish identity, if they can establish where they are going, and we can verify that, and they are not a threat to community, then parole is an option. But we got to make sure we know who they are and where they are going and they are not a threat.

Mr. CULBERSON. Thank you. Dr. Harris.

Dr. HARRIS. Thank you very much.

Mr. Homan, how many counties in the United States are what you consider sanctuary counties? I guess if we define them as not cooperating with detainer requests.

Mr. HOMAN. You know, I should know that number. I just don't. I think it is well over 100 we have identified, but I can get back to you.

Dr. HARRIS. Okay, if you can get back to me, I would appreciate it.

Mr. HOMAN. I have that on my desk, so I can get back to you before the end of the day.

Dr. HARRIS. Please, if you can. You know, I find it is interesting, because the claim is made that the sanctuary counties have lower crime. And that will fit just perfectly with Mr. Culberson's position, because if you have less crime, you don't need federal money. I mean, federal money is kind of scarce. You know, if you want to be a sanctuary jurisdiction and claim you have less crime, that is great. Let's send less federal money there. More for the other jurisdictions.

Mr. HOMAN. What I think is even more significant, sir, is those jurisdictions that don't allow me access to their jails. But on the other hand, they get SCAAP funding from DOJ for housing people in the country illegally. It does not make sense to me that one hand of the government wants to give them money to hold them, the other hand of government is not allowed access to the jails.

Dr. HARRIS. No, I agree. I know—

Mr. CULBERSON. Will the gentleman yield? For the record, I want to make it clear that the policy I had instituted last summer cuts off SCAAP funding, Byrne JAG funding, and COPS funding to every sanctuary jurisdiction in the United States. If you want federal money, follow federal law.

Dr. HARRIS. Thanks. Again, Mr. Homan, the idea of visa overstays, I mean, the list—you know, fiscal year 2016, I mean, you have visa overstays from countries in the hundreds from countries that have rampant terrorist activity or terrorist training grounds. What is the—what is ICE doing to find and repatriate individuals who have overstayed their visas? Because I think in some cases from some countries, this could really be a threat.

Mr. HOMAN. We get data from CBP and from SEVIS on those that overstay their visas. They are prioritized within homeland security investigations. They will look at a series of factors which I can't discuss here. And what makes them a priority for national security, they will take those cases for further investigation and immediate action.

Those that don't rise to that level of national security are given to our law enforcement support center, fugitive operations center in

Burlington, Vermont, to run through databases to see if they have criminal history and see if they are a danger to the community, and they will be prioritized.

A lot of them that don't fall within those ranks were not worked over the past years. I have committed to this secretary that is something we are going to do now. So non-immigrant visa overstays are now something that we are going to be actively working. HSI will take the priority cases, national security. ERO will take public safety first. But everybody else will be on the table.

Dr. HARRIS. And is it—I mean, how successful are you at finding the people who are visa overstays? I assume that if you are a terrorist and you come here on a visa overstay, you are going to make yourself hard to find. I mean, is it—how successful can we be in finding the people who don't want to be found when there are visa overstay?

Mr. HOMAN. Actually, we just did an operation where we targeted—I think it was 1,500 visa overstays. I mean, you are right. Some of them have left the country, but there is no report on it. And some have adjusted their status in the records, CIS were not caught up. Many we can't find. Many—they are in the wind.

Anybody that rises to the level we think has a national security concern or public safety concern, they are worked right away. We will pull out all stops to try to locate them. And the targeting center is very good at that. I can't say we arrest them all, but we take a serious look at that.

But I would say, out of all the visa overstays, many are in the wind. And we are looking for them. And there—you know, a lot of them come to the country with no intent of leaving. Of course, they came here and overstayed a visa, because rather than crossing a border, they can do it that way, which we have learned our lessons from 9/11 about—

Dr. HARRIS. Absolutely.

Mr. HOMAN [continuing]. In regard to visas.

Dr. HARRIS. No, thank you very much. And yield back.

Mr. CULBERSON. Thank you, Dr. Harris.

Mr. PRICE. Thank you, Mr. Chairman. I want to seek a little further clarification on this sanctuary cities question. I think it will be to our benefit to have that. But I want to make a couple of points before I do that.

First of all, I want to associate myself with Ms. Roybal-Allard's comments about the high esteem and respect in which we hold our military, our law enforcement, including immigration enforcement. That is not what our questions are about, and I think it is not such a good idea to suggest otherwise or imply otherwise.

I, as a representative of a district in North Carolina known for low crime rates and for effective law enforcement, regularly confer with law enforcement. I think I am considered a strong supporter. Had a meeting with law enforcement from around the district, oh, about a month ago, and I must say, the questions I raised about so-called sanctuary cities and how vague that definition is, those come from those people. That is the source of my questions. This isn't something I just dreamed up. They are also, by the way, very concerned about the administration's proposed cuts in grant funding under FEMA and many other issues.

But, please, the questions we raise about the rule of law and about law enforcement are not about whether we respect law enforcement or respect the sacrifices and the risks that people take. I hope everybody understands that.

Secondly—

Mr. HOMAN. Sir, can I respond to that?

Mr. PRICE. In just a moment. Secondly, the rule of law. There have been some suggestion here today that the law is the law is the law. Well, the rule of law is a basic principle of this country, and again, we take this principle—with our House democracy partnership, we take this in to work with legislatures in developing countries all over the world.

But the rule of law has many aspects. Yes, it is about maintaining border security. It is about maintaining a legal and safe immigration system. The rule of law is also about respecting the roles of law enforcement at various levels, taking seriously questions about when there might be tensions or might be conflicts between the duties, the priorities of local law enforcement and federal law enforcement, including immigration enforcement. That is a legitimate discussion under the rubric of the rule of law.

The rule of law is also about being honest and clear about what discretion exists under the law and insisting on accountability for the way that discretion is being exercised. That is what my questions were about. No question this is a part of elaborating what the rule of law means and should mean in our country.

Now, speaking of the law, we have talked about 8 USC 1373, sanctuary cities. It prohibits policies that prevent communications with ICE about immigration status. My understanding is that complying with a detainer request is not required under the law. It is not a violation of 8 USC 1373. That doesn't mean that it shouldn't be done, but we need to make clear about what is in the law.

And just underscores my point, what sanctuary cities means, how it is defined is a matter of some dispute and some question. So that brings me to my question, which is basically what do you have in mind here? The easy case, the easy case for all of us, I expect, is the felon who has done his time and who is released, there is no question I should know about that person and that—I would expect in almost every case, a detainer will be placed and deportation will be sought.

There are some not so easy cases, though. And at the end of that spectrum would be somebody picked up for a routine traffic violation. Are you looking to be informed about that person? Are you looking to issue a detainer against that person, someone apprehended in that kind of way? Or are people caught up in sweeps where some criminal activity might be involved, but they are also innocent bystanders, and so on? There are some difficult cases here.

And rather than dismissing them, I think we need some clarity and some accountability of what—if the administration is going to change not just the law, but the implementation and the interpretation of the law, we have a perfect right, indeed, we have an obligation to ask what that means.

Mr. HOMAN. Well, I can respond to the first part of your question, sir. In no way did I suggest or imply that anybody on this

committee does not respect the law enforcement work at ICE. If you heard during my oral statement, I think I put the blame pretty much squared on the groups in the media, mixed messaging what we are doing. I respect everybody on this committee.

But I must say, during opening statements in this committee, I heard two things, what ICE is doing is un-American, and un-American enforcement are exactly the words, and unconscionable. That is what I take difference to, is that the men and women of ICE are very American and what they are doing is not un-American. They are enforcing the laws enacted by this Congress.

On the rule of law accountability, we certainly want to be held accountable. And as I have explained before, we do prioritize what we do. You know, criminals in recent—criminals and public safety threats and national security threats still are the priority. And we make sure they are a priority.

When the E.O. was first rolled out, we did an operation in five states, and I came up on the Hill here and met with like 50 congressional representatives that claimed that we were just out arresting anybody we could find. I showed them the same numbers. I can tell you today, 75 percent of those people we arrested had a criminal history. So the men and women of ICE are executing the mission within the priorities.

And as far as prosecutorial discretion, the men and women of ICE exercise prosecutorial discretion every day. I can mention one operation we did in California on MS-13 gang members. And other people during the service of those warrants were found that weren't gang members, but they were illegally in the United States, several of them were recent mothers, had babies in arms, we didn't take them into custody. We did mail out NTA (Notice to Appear).

When we were out arresting, last year, family groups and UACs that have final orders during Operation Border Guard and Border Resolve, you heard about us out arresting these families, destroying communities. What you didn't hear was that 27 families we walked away from, because they had infants—breast-feeding infants. So the men and women of ICE exercise prosecutorial discretion every day.

Mr. PRICE. I am very—I commend you for that answer. Of course you do. And it is commonsense. It is compassion. And it is absolutely necessary to exercise that kind of discretion. My only point in raising this was to say, okay, if discretion is being exercised, then it is not off-limits to ask you about it.

Mr. HOMAN. No, sir.

Mr. PRICE. Or to question the priorities. And it is not an answer to say, well, we are just enforcing the law. If you don't like what we are doing, change the law. That is not—you know, the appropriate response here is to tell me what you just told me about the way you have exercised discretion. And we can talk about the basis on which you are doing that.

Mr. HOMAN. I don't think I have made a statement if you don't like the law, change it. What I said—

Mr. PRICE. I am referring to your secretary's comment.

Mr. HOMAN. Well, I stand by the secretary. He is committed to the rule of law and he stands by the men and women of ICE and

CBP. They—look, no one is looking for an apology. I guess we are all looking for recognition that what the men and women of our agencies do is extremely dangerous. They are enforcing the laws. And they are true Americans. And to use comments like un-American enforcement and unconscionable, I think it is unfortunate that—you know, we can't—I am not saying, sir, anybody in this committee is vilifying the men and women of law enforcement. But all you got to do is pick up the paper every day and read the stories about CBP and ICE about what we do.

And I am just trying to get the message out, it is just as important to educate people what we don't do as to educate them what we do, do, because there is prioritization, there is a mission. We are—you know, our job is to execute the mission within the framework provided us. I don't decide what that framework is. You know, again, I don't write the laws. I didn't write the executive orders. Our job is to execute the mission within the framework provided us. And I think we are doing pretty close to a perfect job of that.

Mr. PRICE. I appreciate your acknowledgement that no one here is casting aspersions on the character or motives of your men and women in uniform. We, I think, uniformly respect their role and respect their patriotism and all the sacrifices they are making daily. Could you address my sanctuary cities matter?

Mr. HOMAN. Sanctuary cities, I think, in my opinion, raises serious officer safety and community safety issue. For every person that I can't arrest in a county jail in a sanctuary city means that a law enforcement officer has to knock on the door of a home to arrest somebody that has a criminal history when they could have arrested them in the safety and security and privacy of a county jail.

Mr. PRICE. Okay, but my question had to do with what you have in mind here in terms of whom you are seeking information on, whom you are looking to issue detainers. And you remember, I raised the question about people picked up in—for minor traffic violations or people picked up incidentally in the process of a sweep, something of that sort.

Mr. HOMAN. We will issue detainers on anybody in the country illegally. What I would like, though, is especially those who are public safety threat to get that information quickly. So what I don't want is someone that is a public safety threat to walk out of that county jail and hit the street when they could have been handed to our custody. So the new detainer form that has been issued looks for those who are in the country illegally.

What action we take on that detainer depends on the—you know, the case and the factors within that case. But we are looking to enforce immigration law. Of course, our priority is the criminals first, but if you are asking me are we going to put detainers on people that have not been convicted of a crime, yes, we will.

Mr. PRICE. And the implications of that for you expect of local law enforcement and whom you might choose to label a sanctuary city, pin that label on?

Mr. HOMAN. I think that—first of all, I don't think sanctuary cities is defined just strictly under 1373. I think sanctuary cities—I take a much broader definition of sanctuary cities than those that

don't cooperate—like, they can share information with us, but they are less willing to turn these people over to us, I call that not cooperating, cooperation—

Mr. PRICE. All right, but who are those people? That is the question. Who are those people? What is the universe here?

Mr. HOMAN. Sir, it depends—if you are in Cook County, it is everybody. It is criminal aliens and non-criminals. If you are in California, they will turn over people that are significant criminals, maybe murder and rape, but for aggravated assault, armed robbery, we don't see those people. Everybody jurisdiction is different on what level cooperation they give us.

Mr. PRICE. I am understanding. I understand that. What I am asking you is, what is your expectation? And how are you going to identify non-cooperation in terms of a sanctuary city's concept? What is your expectation, your demand of these localities?

Mr. CULBERSON. Well, if I could, Mr. Price, if I may, Director Homan, very quickly, if the gentleman would yield, the law says they cannot—local jurisdictions cannot interfere in any way. So 99 percent compliance with the request for information with federal authorities is not sufficient. It is 100 percent required.

Mr. PRICE. I understand that the law is about communications, not about detainer requests. What I am asking is what is ICE's expectation going to be about the communications request? Is this going to be a broad sweep, anyone that comes into touch with the law enforcement? Is it going to be something more focused on people coming out of the penal system or something in between?

Mr. CULBERSON. If I may, Director Homan, to help with this, because I did the legal research on this personally to figure this out, David, and the federal grant program—excuse me, the federal law that you are attempting to enforce has to have some reasonable relationship to the federal grant program. In this case, I have got jurisdiction over all the federal law enforcement grant money. 1373 was passed for the purpose of ensuring cooperation and communication between federal and local law enforcement. So you can tie, for example—it is actually up to ICE and the secretary's discretion to identify those jurisdictions that are not cooperating—

Mr. PRICE. That is exactly my question. What is the—

Mr. CULBERSON. If you are not cooperating, you render yourself ineligible for federal grants.

Mr. PRICE. And is not cooperating just something for which there is no definition available at present? Or can we anticipate what this is going to look like?

Mr. CULBERSON. Director and the secretary have that discretion.

Mr. HOMAN. If we know there is somebody in the country illegally in violation of the law, we place the detainer on them, we expect cooperation with that law enforcement agency. Now, we do have discretion. Not everybody we have—that we look out in a county jail we will take custody of. Again, you have got limited resources. We want the criminals first. But a lot of people released from the county jails may have an arrest without a conviction. That is as important as a conviction, I think so.

We got to remember, we are talking about a county jail. They are in the county jail for some reason. So they are in the county jail

because they violated some municipal law or some crime, so these are people we are interested in.

So, again, my job is to enforce the immigration law. So I certainly would like anybody that is in the county jail that is in violation of immigration law to be turned over to me with the priority on criminals. Now, if a jurisdiction comes to me—like I explained earlier, they don't honor a detainer, they are going to call me on the significant criminal for the release and they are not going to hold them the minute past they normally will, but they are going to call us, certainly I would welcome that. That is better than nothing.

But I would like full cooperation. I mean, for 60 years, every law enforcement agency in this country accepted detainers. It only has arisen in the last 2 years. So I certainly would like people to help me enforce the law. I mean—we are not asking them to be immigration officers. We are asking them for communication on somebody that is here in violation of the law that can be turned over to us to take action.

Mr. PRICE. I know our time is expiring here, but of course, we understand what you just expressed in terms of what your priorities would be. I do think it leaves a lot of uncertainty, though, as to what you might label uncooperation and what therefore might bring a municipality or a county under the label of a sanctuary jurisdiction and therefore put in jeopardy their support for various programs that they value.

Speaking of the rule of law, part of the rule of law is predictability and certainty and accountability. And I hope we are not looking for an overly broad discretion on the part of ICE to slap that label on a jurisdiction. I think, in fact, we have a right to expect and demand a precise notion of what you regard as permissible behavior under the law and what would lead you to designate a sanctuary city.

Right now, I can just tell you, there is lots of uncertainty and anxiety about this among municipalities that have a wide range of practice. It is not—one size does not fit all. And so going forward, we are going to need some clarity on this.

Mr. CULBERSON. Thank you, Mr. Price. I can tell you that the 1373, the definition of sanctuary cities is, in the first instance, very clear under 1373 that local and state jurisdictions cannot interfere in any way. So it is a 100 percent compliance requirement that 100 percent of the time state and local jurisdictions have to share information with ICE.

Under the directive that the President has issued, the—this is all designed to encourage cooperation. And all of us I know respect law enforcement. All the laws that we pass are designed to encourage local and federal law enforcement officers to communicate, cooperate, because the goal is public safety, which we are all devoted to. We are all here to make sure that our constituents and our fellow citizens are safe and secure. And we deeply appreciate your commitment to that and, again, it is the local jurisdiction's decision to walk away from the federal money. If they choose to—if they want to be a sanctuary city, that is their decision. Just don't ask for federal money. Those days are over.

Yes, ma'am?

Ms. ROYBAL-ALLARD. I just want to emphasize what is being said. We really do need clarification as to what is going to be considered a sanctuary city, because I know that, for example, some of the cities in California may cooperate if somebody is in jail, just as Mr. Homan has said, they will do that, but they have refused to—when they stop somebody for other reasons, a traffic violation or something, they have refused to ask if that person or anybody that happens to be in the vehicle or wherever they are at, for their immigration status. And in some cases, where police have said, no, we are not going to ask people about their immigration status because then they are not going to want to work with us with crimes, they have been tagged as a sanctuary city, where they may cooperate in the jails, but they will not cooperate by asking immigration status when they stop.

So to me, that is just another example of why we need clarity as to what designates a sanctuary city.

Mr. CULBERSON. Director Homan.

Mr. HOMAN. I understand the confusion. And, sir, I am not trying to avoid the question. DHS leadership is working with DOJ leadership to try to come up with an operational meaning of what we are going to consider for operational reasons the sanctuary cities. So that is still in discussion.

As soon as we, you know, get closer to clarity, we certainly will share it with you, but that is something that we are struggling with, right? We all understand 1373, but operationally what does it mean to us? So DHS is working with DOJ to come up with some sort of clear operational instructions to law enforcement agency on what a sanctuary city is and how we define it.

Mr. CULBERSON. But it begins with cooperation.

Mr. HOMAN. It begins with cooperation. And one thing I can, sir, to 1373, not only sharing the information, but allow us access to the jails.

Mr. CULBERSON. Right.

Mr. HOMAN. Because secure communities—if someone gets arrested and they take their fingerprints, those fingerprints are bounced off DHS databases. We will drop a detainer on someone we have a record on. However, if you are illegally in the United States, you never were encountered by the Border Patrol or ICE before, we are not going to get a feedback from DHS database. So you can be in the country illegally, and we won't have your fingerprints.

That is why we need access to the jails to talk about people who when they came into custody they claim they were foreign born. We need to talk to those folks and find out, do you have status or not have status? Because a lot of criminal aliens we have not encountered before, so we need to make sure we get into the jails and talk to these folks who are lacking the biometric information to make sure we don't release those folks to the street, too.

So information sharing has to include access to the jails, because a lot of people—we call them foreign born no match. We don't know who they are. We need to get in there and do an interview and find out who they are.

Mr. CULBERSON. So I think it is fair to say we all agree that the starting point is cooperation and sharing information 100 percent of the time. Director Homan, is that basically accurate?

Mr. HOMAN. Yes.

Mr. CULBERSON. So if jurisdiction fails to cooperate, fails to share information 100 percent of the time, they are going to be considered a sanctuary jurisdiction under the guidelines issued by the DOJ last summer. I had this done last summer. I just didn't make a lot of waves about it.

And by the way, the other part of the policy that DOJ put in place at my request is that local law enforcement agencies have to certify under oath that they are cooperating 100 percent of the time or they are in violation of the False Claims Act, which is a felony punishable by 5 years in prison. Therefore, the city of Santa Clara—Santa Clara County, which was a party to the litigation that led to the order of the judge in San Francisco, did not even apply for SCAAP funding, COPS funding, or Byrne JAG funding. They dropped their application because they knew they were a sanctuary jurisdiction. They didn't even bother to ask for the federal money. And that is their decision. If you want to protect criminal illegal aliens in your custody, don't ask for federal money, because you are not going to get it.

One final question, if you could, Director Holman. In addition to identifying for all of us those 100 jurisdictions that you consider sanctuaries—because the goal here is to protect lives, so there is no more Kate Steinles. How many jurisdictions like Santa Clara County either did not apply for federal funding or changed their policy, like Miami-Dade or New Orleans? And I want to thank for the record the county commissioners in Miami-Dade County and the city council in New Orleans for changing their policy to cooperate, because that is saving lives, isn't it?

Mr. HOMAN. Yes, I have to get back to the information. I know we have had some jurisdictions come back to the table and are now cooperating, especially after the first iteration of the declined detainer report went out. So we will definitely get back to you that information, who is now cooperating, when they weren't, and what changed since the executive order.

I know we track that, because we report on the declined detainer report, at least the last iteration, so I will get back to you as soon as we can on that information.

Mr. CULBERSON. And I want to stress, Ms. Roybal-Allard and Mr. Price, the goal is for these jurisdictions to change their policy. We don't want them to walk away from their federal money. We want them to protect lives and property by changing their policy and cooperating. That is the goal. It is the goal we all share.

Mr. HOMAN. Absolutely. And my goal is, again, protecting lives. I mean, I need to do everything I can for every law enforcement agent and officer that works for ICE to lessen the risk of their jobs. If they can arrest a criminal alien inside the safety of a jail rather than knocking on a door, that is the right thing to do, not only for public safety, but for the officer safety.

Mr. CULBERSON. But we deeply appreciate your service to the country, each and every one of you, and please convey to your officers, the men and women in the field that you represent how

strongly this subcommittee supports their work, how much we admire and appreciate them, and God bless you. And thank you very much for all that you do.

We will have additional records that will be submitted—additional questions that will be submitted for the record from Chairman Carter and members of the subcommittee. With that, the committee is adjourned. Thank you very much.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE John R. Carter

**Carla L. Provost, Acting Chief
United States Border Patrol**

**John P. Wagner, Deputy Executive Assistant Commissioner
Customs and Border Protection**

**Thomas D. Homan, Acting Director
Immigration and Customs Enforcement**

**Committee on Appropriations
Subcommittee on Homeland Security
CBP/ICE FY 18 Budget Request
June 13, 2017**

Border Security – Physical Barrier

Background: The budget proposes investing \$2.6 billion in high-priority tactical infrastructure and border security technology, including funding to plan, design, and construct a physical wall along the southern border as directed by the President’s January 25, 2017, Executive Order.

Question: Chief Provost, there has been lots of discussion about how to achieve operational control of the border.

➤ 1. How do you define the requirement for operational control of the border? Please discuss.

Answer: The January 25, 2017, Executive Order defines operational control (OPCON) as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”

At the tactical and operational levels between U.S. ports of entry (POEs), the U.S. Border Patrol (USBP) operationalizes OPCON as “the ability to impede or deny illegal border crossings, maintaining situational awareness, and applying the appropriate, time-bound, law-enforcement response between the ports of entry.” It can be attained through the continued deployment of tactical infrastructure; advanced technology; and skilled agents. Border walls, where required, are USBP’s priority resource requirements to impede or deny illegal entries. Optimization of technology will facilitate detection and tracking of illegal entries not impeded or denied entry by border walls. Lastly, agents will be tactically deployed to respond to and apprehend all illegal entries not deterred at the immediate border.

➤ 2. Do you have a fully validated requirement that is driving the request for funding in the FY18 budget?

Answer: Yes, the FY 2018 President's Budget is driven by fully validated requirements for wall, technology and agents. Furthermore, the requirements are prioritized according to levels of risk associated with specific geographic areas such as the Rio Grande Valley Sector.

Question: The budget includes \$1.6 billion for planning, design, and construction of 74 miles of various types of physical barriers, including levee wall, bollard fencing, and potentially cement wall.

- 3. Tell us more of your plans for border infrastructure. What types of structures do you propose and where will they be located strategically?

Answer: USBP has a deliberate planning and decision making process which is based on identifying gaps and requirements for the 12 Master Capabilities. The Master Capabilities are the essential combinations of resources (personnel, training, equipment, technology, infrastructure, etc.) that provide USBP with the fundamental operational means by which to conduct its Mission Essential Tasks (Predict, Detect, Identify, Classify, Track, Respond, and Resolve) successfully. Wall requirements are being developed based specifically on the impedance and denial capability. Utilizing this process, the highest prioritized areas along the southern border for border wall are those with characteristics such as shortest vanishing time, proximity to urban areas or to egress roads or those with current border infrastructure that no longer meets the required capability to prevent and deter illegal entries.

The current wall designs in the toolbox for impedance and denial infrastructure are levee wall and steel bollard wall. A prototype effort will help us identify any new wall designs or design characteristics that could be used for future border wall infrastructure projects.

- 4. Where do you anticipate the longest length of barrier?

Answer: Based on current USBP operational requirements for impedance and denial on the southwest border, U.S. Customs and Border Protection (CBP) is in the initial stages of planning for levee wall along existing levee located in Hidalgo County, Texas within USBP's McAllen and Weslaco stations area of responsibility (AOR) and bollard fence in Starr County, Texas within USBP's Rio Grande Valley station AOR. However, as wall construction is driven by available funding, neither the Department of Homeland Security (DHS) nor CBP can say with certainty where the longest length will be located. If funding is to become available, DHS and CBP will be better positioned to answer this question.

- 5. Where does it not make sense to build a wall vice a fence?

Answer: CBP continues to determine the areas that have a need for impedance/denial capabilities, such as wall infrastructure. The operational requirements, as well as the environmental requirements, drive the type of border barrier we construct in those areas. For instance, in the Rio Grande Valley Sector, a solid wall construction with steel bollards on top of that levee wall meets the operational requirements to provide impedance/denial, while also providing flood protection for the neighboring communities.

Other prioritized locations, such as primary border wall along the immediate border, most often have an operational requirement for agents to be able to see into Mexico. Border infrastructure in these areas will require design characteristics that allow for agents to see into Mexico, while still providing the impedance/denial capability to prevent and deter illegal entries.

- 6. From the time you get the funds, how long before you can start putting steel in the ground?

Answer: If funding is received by mid-October, the first segment of border wall construction is anticipated to begin in the second quarter of FY 2018.

- 7. Do you expect to use multiple contract vehicles as well as contractors?

Answer: Yes, CBP anticipates using multiple contract vehicles and contractors.

- 8. Can the entire \$1.6 billion be put on contract by September 30, 2018? Please be specific to those projects that can be put on contract and address the situation in Texas, where most of the land is owned by private people.

Answer: CBP anticipates obligating funds for 28 miles of levee wall system and three miles of border wall system in the Rio Grande Valley Sector by the end of FY 2018. The construction strategy for San Diego Sector secondary replacement wall is tied to the outcome of the prototype and therefore CBP has not yet determined the anticipated obligation date.

Question: Congress provided funds for 40 miles of replacement fencing in FY17.

- 9. Where and when will you begin construction on the replacement fencing?

Answer: The following provides a summary for the 40 miles of replacement fencing projects included in the FY 2017 funding:

- **San Diego Primary Fence Replacement:**
 - Replaces approximately 14 miles of landing mat fence with steel bollard wall within San Diego's Border Infrastructure System starting from the eastern end of Border Field State park and extending eastward
 - Construction anticipated to begin in March 2018
- **Calexico Primary Fence Replacement:**
 - Replaces approximately 2 miles of pedestrian fence with steel bollard wall west of the Calexico Port of Entry in Imperial Valley County, California
 - Construction anticipated to begin in February 2018
- **El Paso Vehicle Fence Replacement:**
 - Replaces approximately 20 miles of vehicle fence with steel bollard wall in Dona Ana County, New Mexico adjacent to the US/Mexico border
 - Construction is anticipated to begin in March 2018

- **El Paso Station Pedestrian Fence Replacement:**

- Replaces approximately 4 miles of chain-link fence with steel bollard wall on the west side of the Cordova International Bridge in El Paso County, Texas
- Construction is anticipated to begin in February 2018

➤ 10. How did you decide the location of the replacement fencing?

Answer: Replacement fencing locations continue to be prioritized according to the existing fencing's capability to prevent and deter illegal entries. Most of the remaining legacy fencing locations are made of materials (landing mat, expanded metal, etc.) that are inferior to today's border infrastructure materials (steel bollard and levee wall) and no longer can provide the necessary levels of impedance/denial required to counter the capability and modern day tools of transnational criminal organizations.

Hiring Challenges

Background: The President's Executive Order, *Enhancing Public Safety in the Interior of the United States*, directs ICE to hire 10,000 additional enforcement agents and over 6,000 support staff (legal, admin, human resources, IT support, etc.). Additionally, the Executive Order, *Border Security and Immigration Enforcement Improvements*, directs CBP to hire 5,000 additional Border Patrol Agents. The FY18 budget supports hiring 1,000 additional enforcement agents and 500 Border Patrol Agents – no funds are requested for additional CBP Officers at the Ports of Entry even though the majority of all drugs that enter the country illegally come through the ports of entry.

Question: Through the end of April, ICE has hired a total of 676 Law Enforcement Officers but lost 472 through attrition – a rate of well over 50% of hiring. And, it still takes almost a year to hire law enforcement officers. I'm very worried that the process, when combined with the standing start on proposed hiring, will cause another significant under-execution of funding for personnel in FY18. Increasing the force by this size costs the taxpayer about \$185 million, which is a lot of money to leave on the table if you cannot execute the plan.

➤ What are the main causes for the attrition and what are you doing to shorten to lower the rate?

Answer: The main cause of attrition for law enforcement officers is retirement. U.S. Immigration and Customs Enforcement (ICE) has a very low attrition rate for transfers and dismissals. For non-law enforcement positions, attrition seems to be attributed to career advancement opportunities in other organizations. ICE's employee engagement plan is targeted at increasing and supporting a culture of acknowledgment while also gathering systemic employee input on work and environment through an ICE-wide suggestion system.

➤ At 50% attrition, how many officers do you need to hire to achieve your requested goal of funding for 500 full time employees?

Answer: The annual attrition rate for ICE law enforcement officers has averaged approximately 3.7 percent since Fiscal Year (FY) 2015. Based on this average, a total of 960 law enforcement officers would need to be hired to outpace attrition and realize a net increase of 500 additional law enforcement personnel.

➤ What is the likelihood of hitting that target?

Answer: ICE has requested various hiring flexibilities from the U.S. Office of Personnel Management to facilitate and expedite hiring, developed a robust recruitment and hiring plan, and refined internal hiring processes and work flows in order to achieve its hiring goals. With the existing pipelines of candidates and the delegation to ICE of direct hire authority for its law enforcement positions of Criminal Investigator and Deportation Officer, ICE is confident the hiring goals can be achieved.

Question: The President has proposed increasing the size of the Border Patrol by 5,000, of which 500 will be hired in FY18 at a cost of \$100 million; however, the Border Patrol today is of 1,800 below the targeted level of 21,370 agents. For several years, Congress has asked the Department to develop a Border Patrol staff model; however, it is two years away from being completed.

➤ 11. Without such a model, how did the Department establish the proposed increase of 5,000 Border Patrol agents?

Answer: USBP continues to refine its staffing methodology to determine its requirements to conduct border enforcement operations. The Border Patrol is currently working on the Personnel Requirements Determination (PRD). This decision support tool will support a staffing model with expert field input and a combination of existing data and field input. Absent this decision tool and eventual staffing model, USBP utilized existing apprehension data and effectiveness ratios, as well as hours spent patrolling the U.S. border. This information, combined with decision-maker judgement and experience, allows for both quantitative and qualitative analysis to ultimately inform the proposed increased for additional personnel.

➤ 12. How will you address the continued attrition within the Border Patrol?

Answer: CBP's and USBP's Human Resources Management (HRM) have analyzed internal, external and exiting member surveys. The lack of mobility is likely the single most important area that needed to be addressed. Consequently, USBP built an Operational Mobility Program to provide, primarily, the ability to reapportion agent personnel in a cost effective manner between geographic regions. The secondary benefit of the program is to provide relocation opportunities to employees. We are grateful for the strong Congressional support yielding \$25 million for this vital pilot program simultaneously addressing operational needs across all borders and a significant source of attrition. We ask for continued Congressional support for the \$11 million requested in FY 2018.

➤ 13. Is it realistic to believe you'll hire 500 more agents by the end of FY18?

Answer: Given the available resources for recruitment and hiring, CBP believes the near-term goal of 500 additional BPAs can be achieved by the end of FY 2018. This figure is based on several factors, including the anticipated impact of several process improvements and modifications (e.g., entrance exam, polygraph, and Physical Fitness Test (PFT-2), as well as continued large-scale recruitment and marketing activities. These and other efforts have led to positive movement across several key performance indicators, as detailed in the table below. CBP will use its resources to further improve these trends in FY 2018, which CBP believes will lead to the targeted increase in personnel.

BPA Hiring: Key Performance Indicators

	June 2015	June 2016	June 2017
Time-to-Hire	N/A	294	246
Pass Rates	0.53%	0.53%	0.85%
Applicant-EOD Ratio	190:1	189:1	118:1
Total Applicants	34,756	34,114	51,584

Question: While your budget proposes to increase the number of Border Patrol agents, most illegal drugs and money entering the U.S. come through land and air ports of entry. It should be noted that the Office of Field Operations has a validated model that shows what the requirement is for CBP Officers – and the model this year shows us needing additional officers.

- 14. What does the model show about how many CBP officers are required?

Answer: As reported in the “Resource Optimization at the Ports of Entry Fiscal Year 2017 Report to Congress,” the latest Workload Staffing Model (WSM) results show a need for an additional 2,516 CBPOs above the currently-funded level. Based on these results, CBP is submitting two legislative proposals to increase the COBRA (Consolidated Omnibus Reconciliation Act) and Immigration Inspection User Fee (IUF) that would support an additional 2,310 CBPOs.

- 15. What level of discretionary funding is in the budget request to address this requirement?

Answer: The FY 2018 President’s Budget includes approximately \$3.5 billion to meet CBPO compensation requirements using a combination of both appropriated authority and reimbursements from fees. This budget authority supports an estimated staffing level of 23,164 CBPO positions by the end of FY 2018. While CBP does need additional CBPO positions as indicated in the response to the previous question, CBP acknowledges that current vacancies should be filled before requesting additional appropriated funding for new CBPO positions.

Sanctuary Cities

Background: Jurisdictions that fail to cooperate with Federal immigration authorities, by practice or local statute, threaten the nation’s security by allowing dangerous and violent criminal aliens back on the street. This practice places ICE and other law enforcement officers in personal jeopardy, requiring them to track down and apprehend these dangerous aliens in a non-secure environment. Executive Order (EO) 13768, Enhancing Public Safety in the Interior of the

United States, authorizes the Secretary to designate a jurisdiction as a sanctuary city. The EO further establishes as policy, that those jurisdictions so designated are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary.

Question: Director Homan, Executive Order 13768 states “it is the policy of the executive branch to ensure to the fullest extent of the law that a State, or a political subdivision of a State, shall comply with the nation’s immigration laws.” The order supplants the Priority Enforcement Program by reinstating the Secure Communities program, and gives the Secretary the authority to designate a jurisdiction as a sanctuary jurisdiction, making them ineligible to receive certain Federal grants.

- What are the differences between Secure Communities and the Priority Enforcement Program?

Answer: While the biometric interoperability has remained constant since full implementation was achieved, ICE’s operational posture under the Secure Communities program is different than under the Priority Enforcement Program (PEP). Under Secure Communities, ICE Enforcement and Removal Operations (ERO) focuses on targeting individuals who are in violation of the Nation’s immigration laws. PEP targeted removable aliens that fell within limited criminal or other categories.

The Secure Communities program now uses one detainer form (Immigration Detainer – Notice of Action, Form I-247A) as opposed to three different forms previously used. Further, as a matter of policy, all detainers issued by ICE must be accompanied by either: (1) a properly completed Form I-200 (Warrant for Arrest of Alien) signed by an authorized immigration officer; or (2) a properly completed Form I-205 (Warrant of Removal/Deportation) signed by an authorized immigration officer and a final order of deportation or removal.

- Have the number of jurisdictions participating in Secure Communities increased or decreased since the issuance of this Executive Order?

Answer: The cooperation ICE receives from other law enforcement agencies is critical to its ability to identify and arrest aliens who pose a risk to public safety or national security. The Secure Communities program represents a simple and common sense approach utilized by ICE to carry out enforcement priorities for those aliens detained in the custody of another law enforcement agency. For Secure Communities, ICE uses a Federal information-sharing partnership between DHS and the Federal Bureau of Investigation that helps to identify in-custody aliens without imposing new or additional requirements on state and local law enforcement. ICE completed full implementation of Secure Communities in all 3,181 jurisdictions in the 50 states, the District of Columbia, and five U.S. territories on January 22, 2013. Interoperability likewise has remained constant since the program was instituted.

- What is the practical impact on your agents when a law enforcement entity refuses to cooperate with ICE on the detention or notification of release of criminal aliens?

Answer: When law enforcement entities fail to honor ICE detainers, they undermine public safety. When criminal aliens are released into the communities, ICE officers must then locate and arrest the alien in public places, rather than in secure facilities. These unnecessary at-large arrests of criminal aliens increase the risk of injury to the public and the alien, as well as to the ICE officers making the arrest.

Border Security – Drugs at the POEs

Background: While the budget proposes investing \$2.6 billion in high-priority tactical infrastructure and border security technology, there is no corresponding increase for technology at the ports of entry (POE). Further, the budget does not invest in any additional officers for the POEs and actually slows the hiring of CBP officers.

Question: Commissioner and Chief, the majority of drugs and currency enter our country through ports of entry.

- 16. What would it take to stop the continued flow of drugs and currency through our land ports of entry?

Answer: CBP's mission is to safeguard America's borders and protect the public from dangerous people and materials, while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel. Addressing the flow of contraband through the POEs requires a comprehensive and aggressive approach incorporating partnerships, intelligence, technology, and operations along with external agency support.

To achieve our mission, CBP uses a layered enforcement strategy that begins with international coordination to stop the narcotics, contraband, and precursor chemicals before they reach the United States' borders, airports, or seaports. This initiative requires strong partnership with our foreign government agency counterparts to intercept illicit items at their points of origin.

CBP is also addressing personnel staffing shortfalls due to hiring delays, which restrict our capacity to screen high-risk people, conveyances, and cargo for drugs and other contraband – to include currency – at the POEs. This is being done within a challenging environment that requires that CBP effectively exercise its law enforcement duties without disrupting the flow of legitimate trade and travel. More intelligence-driven special operations must be conducted due to the growing sophistication of the transnational criminal organizations.

- 17. Do you need more technology and/or more officers?

Answer: CBP has 1,345 CBPO vacancies at this time, which includes attrition and the balance of positions still to be hired from the 2,000 additional CBPO positions Congress provided to us in FY 2014. CBP acknowledges that it needs to resolve its hiring challenges and fill current vacancies before coming back to Congress to ask for appropriated funding for additional positions. CBP's Office of Field Operations (OFO) has been managing and maximizing personnel resources in a constrained fiscal environment by leveraging technology, initiatives/programs, and temporary personnel relocations. For instance, under Operation

Overflow, OFO has been temporarily assigning CBPOs to the San Diego and the Tucson Field Offices to make up for the personnel shortfalls and to meet the need created by infrastructure upgrades.

Additionally, and consistent with CBP's "Vision and Strategy 2020"¹, OFO requires agility, flexibility, and adaptability across its operational environment. This means enhancing integration across our data, processes, and technology. While CBP utilizes inspection and detection technology, specifically Non-Intrusive Inspection (NII) systems and Radiation Detection Equipment (RDE), CBP is working to address two gaps to address these requirements: (1) stand-alone technology and (2) lack of data-networking and integration with the CBP network and CBP enforcement systems.

CBP and its DHS partners, including the Domestic Nuclear Detection Office (DNDO) and the Science and Technology Directorate (S&T), continue to invest in these technologies. The current focus for NII systems and RDE is to evaluate, acquire, deploy, and maintain technology with enhanced capabilities or integration aspects that increase effectiveness, decrease processing time, and provide the ability to redirect manpower to other mission areas or examine a greater portion of conveyances where feasible while facilitating trade and travel.

Three key on-going efforts to support this focus include the following:

- 1) evaluation of drive-through NII systems by CBP and S&T to increase NII examinations of personally owned and commercial vehicles on the southern border;
- 2) work by CBP and S&T to establish one common user interface that has a secure capability to transfer data from multiple large-scale NII systems to a common viewer workstation, while allowing images and data from multiple systems to be viewed on a standardized software platform, and capture data from multiple vendors/ types of image into a standard file format; and
- 3) equipping select radiation portal monitor (RPM) lanes with a remote operation capability allowing local ports to employ remote operations concepts where and when feasible.

Collectively, these projects and other ongoing initiatives, will ultimately reduce operational burdens, increase efficiencies, and support the inspection and detection technology goal of redirecting resources or increase exam/ scanning rates as feasible.

➤ 18. How does the budget request address this issue?

Answer: The FY 2018 Budget includes two legislative proposals that, with enactment, would support approximately 2,200 additional CBPOs. Also, the Budget funds an additional 63 CBPO positions and 30 support positions at the National Targeting Center (NTC) to advance initiatives including counter network operations, cargo vetting and traveler vetting.

Furthermore, the Budget provides additional resources for the NTC and the NII program, both of which directly impact work at the POEs. The NTC provides technical efficiencies, automation, advanced vetting, and risk segmentation in both the traveler and cargo environments, which

¹ "Vision and Strategy 2020 U.S. Customs and Border Protection Strategic Plan." CBP Publication 0215-0315, was published on April 8, 2015 and is available at www.cbp.gov.

increases national security and results in reduced workload at POEs. With the centralized mission of preventing dangerous and unlawful travelers and goods from entering and exiting the country, the NTC operates on a 24x7 basis to effectively screen, review, identify, and segment low and high-risk passengers and cargo across all international modes of transportation, inbound and outbound. The NTC carefully identifies, targets, and coordinates examination of the small percentage of shipments and travelers that may be connected to terrorism or other transnational crimes, such as narcotics smuggling, human trafficking, merchandise counterfeiting, and money laundering. Additionally, the NTC supports and responds to inquiries from the POEs and other law enforcement entities and conducts tactical targeting to identify actionable targets.

The NII program equipment allows for passive radiation scanning and x-ray/gamma-ray imaging of cargo and conveyances by land, sea, and air POEs to identify terrorist weapons and other contraband. CBPOs and agents utilize a variety of Large-Scale (LS) and Small-Scale (SS) NII systems and RDE to inspect sea containers, rail cars, trucks, automobiles, pallets, and various packages and parcels thoroughly and quickly for the presence of contraband and illicit radiological materials. These systems are viewed as force multipliers and address the mission need to effectively inspect arrival conveyances at the Nation's borders without impact to legitimate trade or travel. NII systems and RDE provide a \$1 billion annual cost avoidance in CBP operations, as well as a \$5.8 billion to \$17.5 billion savings per year to industry in avoided costs due to delays. The average NII system examination of a cargo container takes approximately eight minutes, while a physical inspection takes, on average, two hours.

Denying Grants to Sanctuary Cities

Background: Executive Order (EO) 13768, Enhancing Public Safety in the Interior of the United States, authorizes the Secretary to designate a jurisdiction as a sanctuary city. If so designated, the jurisdiction is ineligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. In order to enforce the policy, DHS has proposed a change to 8 USC 1373 in their FY 2018 budget submission that conditions the award of certain grants on a jurisdiction's cooperation with DHS requests for immigration information and honoring detainers.

Question: Director Homan, the DHS budget request for fiscal year 2018 proposes changes to the Immigration and Naturalization Act to stop communities from prohibiting or limiting cooperation with ICE. Further, the language permits the Secretary to condition the award of certain grants from the Department of Homeland Security on a jurisdiction's cooperation on ICE requests for information and detainers.

➤ How many jurisdictions has the Secretary designated as a sanctuary?

Answer: No jurisdictions have been designated as a sanctuary for purposes of applying section 9(a) of Executive Order 13768. Implementation of section 9(a) is currently enjoined by an order issued by the U.S. District Court for the Northern District of California on April 25, 2017.

➤ Which DHS grants can be withheld from designated sanctuary jurisdictions?

Answer: Application of the section of the Executive Order related to withholding funding from sanctuary jurisdictions is currently enjoined by an order issued by the U.S. District Court for the Northern District of California on April 25, 2017. The court order prevents DHS from applying the Executive Order's direction to withhold funding from sanctuary jurisdictions. To comply with the court order, DHS cannot withhold funding from sanctuary jurisdictions pursuant to the Executive Order. DHS is not currently withholding funding under any of its grant programs, and will not begin to do so unless the court order is lifted.

- Do you anticipate more jurisdictions will cooperate with ICE requests if this law is changed?

Answer: ICE believes the changes to the Immigration and Nationality Act proposed by the FY 2018 President's Budget more clearly explain its authorities and that of its state and local partners in the areas of information-sharing and detainers. Such clarification would likely promote increased cooperation.

- What are the risks of denying grants to jurisdictions like New York City, Los Angeles, or Chicago – all of which are obvious terrorist targets?

Answer: In order to ensure the public safety of the American people in communities across the United States, Executive Order 13768 is intended to address the risks posed by jurisdictions that willfully fail to comply with applicable Federal immigration law. As stated above, DHS is currently enjoined from carrying out the operative section of the Executive Order.

ICE Detention Beds

Background: The President's FY18 budget proposes to increase the number of detention beds from 39,324 to 51,379 – an increase of 12,055 beds and \$1.15 billion in funding for Enforcement and Removal Operations. The request funds 48,879 adult detention beds and 2,500 family beds, which is an increase of 12,055 adult beds from FY17 levels. The average daily population (ADP) for adults is less than 39,000 and has been dropping steadily by about 100 per week since President Trump issued his Executive Orders on border security and increasing interior enforcement. ICE claims that the hiring of 1,000 additional deportation officers, along with the expansion of the 287(g) program to 26 additional communities, and the elimination of the Priority Enforcement Program (PEP) will lead to much higher levels of detention and more than offset the drastic decline of CBP apprehensions along the southwest border.

Question: Acting Director Homan, as I mentioned in my opening statement, the FY18 budget proposes a major increase in funding for ICE detention to add 12,055 additional detention beds. The number aliens apprehended by CBP along the southwest border is at a historic low, as is the number of families being detained. Further, the average adult daily population has been steadily decreasing since the end of February despite increased interior enforcement efforts.

- DHS proposes to increase ICE's detention capacity despite a downward trend for adult detention. While I strongly support ICE's mission, I am committed to being a good steward of taxpayer dollars. Please explain the policy changes you have or will put in place and the assumptions used to develop this number. Are they still valid today?

Answer: The FY 2018 President's Budget will enable ICE to better manage the illegal alien population apprehended along the southern border as well as the increased detention population resulting from the new immigration policies outlined in the President's Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*.

Under previous enforcement priorities, approximately 65 percent (345,000) of the fugitive alien population were not subject to arrest or removal. While CBP border apprehensions have indeed declined from record highs earlier in FY 2017, implementation of the President's new policies have already led to dramatic increases in arrests. The number of beds needed to support current ICE interior enforcement is up 34 percent as compared to this time in FY 2016 (20,959 vs. 15,596), and this upward trend is expected to continue into FY 2018. Additionally, there are a number of efforts underway that will increase ICE's bed-space needs in FY 2018. Some of these include 287(g) expansion and ongoing efforts to increase detainee acceptance, increased worksite and gang enforcement, and increased issuance of charging documents by U.S. Citizenship and Immigration Services (USCIS).

In an effort to improve average daily population (ADP) forecasts, ICE ERO has adopted an ADP methodology to facilitate funding decisions associated with bed space requirements. While under development at the time that the FY 2018 President's Budget was developed, this refined methodology analyzes time-series (i.e., historical) data regarding the detained population to extract meaningful patterns – e.g., moving average, seasonality, and recent trends – and assign respective confidence intervals based on operational uncertainty. The methodology also leverages an empirical forecasting model or risk-based approach. The empirical model accounts for potential volatility and thus will be used for all future forecasts. ICE is available to provide a briefing on this new approach, and we look forward to working with the Committee to ensure that an adequate level of detention funding is provided for ICE's Custody Operations.

- For the past five years ICE's projections for custody operations has understated the actual requirement. Why are you confident that the ADP level and associated costs are accurate for FY 2018?

Answer: Migration patterns can vary dramatically depending on political, economic, and a variety of other push factors in foreign countries, making annual projections incredibly difficult. For example, according to USBP statistics on illegal alien apprehensions from countries other than Mexico by fiscal year, the number of Central Americans apprehended while entering the country illegally increased by 50.1 percent in FY 2016 over the prior fiscal year. FY 2015 and FY 2016 apprehensions totaled 145,316 and 218,110, respectively. This dramatic shift in migration patterns has a corresponding impact on ICE's custody operations. Immigrants from Central America typically spend more time in the detention system compared to arrivals from Mexico due to their claims for protection, which requires significantly more time to adjudicate. Additionally, obtaining the necessary travel documents for the removal of Central Americans takes significantly longer than it does for those arriving from Mexico.

As described earlier, in an effort to improve our capabilities and transparency, ICE has worked to develop and refine an ADP forecasting model, which analyzes time-series (i.e., historical) data

on the detained population to extract meaningful patterns, including a moving average, seasonality, and recent trends. These patterns are then used to forecast the detained population originating from CBP and ICE arresting programs, and are aggregated into a final daily population forecast.

We look forward to briefing this new model in more detail and working with the Committee to ensure adequate levels of detention funding are provided for ICE's Custody Operations.

Entry-Exit

Background: The President's Executive Order on border security directed the expedited implementation of a nationwide Biometric Entry-Exit program partially funded by the fees.

Question: Though CBP has conducted several biometric entry-exit pilots at land and air ports of entry, it hasn't finalized a plan for full implementation.

➤ 19. What is the current status of the entry-exit pilots?

Answer: CBP has now completed pilots in the air environment and is moving forward with developing a facial matching system, the Traveler Verification System. This will be scaled up over the coming months to support airline and airports as they begin utilizing CBP's biometric verification of passengers on international departures.

From 2014 to 2016, CBP conducted targeted biometric entry/exit pilots. They were designed to:

- leverage existing investments in technology and operational processes;
- provide data to measure operational viability, system performance, and resource requirements; and
- refine entry/exit operational processes and solution requirements.

The following is a brief explanation of each of the pilots and how they helped inform CBP's plans for facial recognition:

Biometric Exit Mobile (BE-Mobile)

In 2015, the BE-Mobile experiment investigated the feasibility of CBPOs using hand-held biographic and biometric (fingerprint) capture devices to support exit processing. The experiment confirmed the accuracy of CBP's biographic system, and proved that a mobile solution is a vital tool to assist officers in outbound law enforcement operations. In addition, this mobile solution could be the exit solution for low volume arrivals in all modes. The BE-Mobile capability is now being utilized in outbound law enforcement operations at 20 airports as defined by international arrivals.

1-to-1 Face Comparison

In 2015, CBP deployed technology to airports to assist CBPOs in confirming the identity of returning U.S. citizens entering the United States by comparing a real-time photo taken of the

traveler to the photo stored in their passport. The experiment clearly indicated that facial recognition technology can assist officers in accurately verifying that the person presenting a travel document is in fact the true owner of that document. This capability is currently installed in Dulles and at JFK. CBP will begin the integration of this capability across the inbound air environment in August 2017.

Otay Mesa Pedestrian Crossing

In early 2016, CBP deployed a short-term experiment at the Otay Mesa pedestrian crossing in San Diego, California, collecting face and iris images of travelers departing from the United States into Mexico on foot. CBP found that facial recognition was more operationally viable than iris images due to traveler ease of use and acceptance. This capability is no longer installed in Otay Mesa.

Atlanta Airport Demonstration

In June 2016, CBP partnered with Delta Airlines to deploy a biometric exit test at Hartsfield-Jackson Atlanta International Airport. This proved to be a groundbreaking partnership. The Atlanta test used existing CBP systems and leveraged data already provided to CBP by the traveler and airlines. CBP created a pre-positioned “gallery” of facial images from DHS holdings utilizing a flight departure manifest provided by the airline. CBP then compared a live photo of the traveler, captured at the departure gate, to the gallery of facial images for that flight to confirm the traveler’s departure. This provided a biometric record of departure for passengers on that flight. The results of the Atlanta demonstration validated CBP’s vision that a facial biometric match could be performed at the gate without disrupting boarding or delay flights. The demonstration also assisted CBP in defining and refining the systems to be used for the end state solution.

CBP has processed more than 25,000 travelers to date through the Atlanta demonstration, the technical matching at a rate in the high 90 percentile for travelers who have a photos currently in DHS systems, and high 90 percentile for all travelers.² Today, CBP continues to record biometric exit records for a limited number of daily international flights in Atlanta – a first in border security and a first step to ensuring the integrity of the immigration system.

Airline Partnership Efforts and Further Demonstration Efforts

CBP is now developing a robust cloud-based service called the Traveler Verification Service (TVS). In 2017, CBP began implementing capability demonstrations of the TVS at Atlanta, Washington Dulles and Houston Intercontinental with continued expansion during summer/fall 2017. The goal of these demonstrations is to prove to airlines and airports that biometric matching can be accomplished at the gate while either maintaining or improving current boarding times.

² Two of the most common reasons for not having a photo within DHS systems are flying as a U.S. Citizen under military orders or as an alien who entered without inspection (i.e., illegally present within the United States).

CBP is executing a proactive engagement strategy with partners within the travel industry to execute public/private partnerships. The goal of these engagements is to permit industry players to demonstrate an integrated, comprehensive approach to biometric identity verification that provides a seamless travel experience.

JetBlue (Boston Logan) and Delta (JFK) are testing biometric capture as part of the boarding process, in partnership with CBP. Both airlines have successfully integrated facial biometric capture as a single process during boarding. Additional airlines and airports are planning for similar demonstrations later this year. Additionally, CBP is working with the Transportation Security Administration to demonstrate the TVS capability at a security checkpoint in late summer or early fall.

➤ 20. What have you learned through the experience gained in the pilots?

Answer: From the pilots, CBP concluded that facial recognition is the preferred biometric because it is traveler friendly, operationally feasible, and technically accurate for deployment as part of a comprehensive solution. The operational feasibility of utilizing facial recognition technology exceeded all other biometric modalities tested. Additionally, DHS already holds photos on most travelers through a variety of existing processes and systems. Enrollment of a new biometric for travelers, such as iris imaging, would not be necessary. In addition, using facial recognition in conjunction with previously collected fingerprints allows CBP to run these previously collected fingerprints against watch lists without having to recollect the prints from the traveler.

Finally, from the pilots CBP developed the key parameters for the development of the biometric exit solution, which include:

- avoid adding new processes;
- utilize existing infrastructure;
- leverage existing stakeholder systems, processes, and business models;
- leverage passenger behaviors and expectations; and
- use existing traveler data and existing government IT infrastructure.

➤ 21. What are the next steps?

Answer: Through the entry/exit pilots, facial recognition arose as the best method to connect a traveler's biometric and biographic data. Data streams and systems needed to change from large, unmanageable data holdings to smaller, more controllable data sets. This data re-architecture enabled accurate biometric identification as it fused biographic and biometric traveler information. With the biometric as the key trigger, a traveler's document is no longer the primary method of retrieving a traveler's information on arrival and departure. Built upon the success of the Atlanta demonstration, this approach paved the way to the TVS, which will verify traveler identity across air, land and sea environments.

While leveraging existing DHS enterprise capabilities, CBP is now developing the TVS, a robust cloud-based service. In 2017, CBP will implement capability demonstrations of the TVS. In addition to CBP demonstrations, CBP is executing a stakeholder outreach strategy to partner

with airlines and test how biometric capture can be seamlessly integrated into the boarding process.

Expansion of Demonstration Capabilities

CBP has begun expanding the demonstration of air exit capabilities to additional airports which will be completed during the summer of 2017. The demonstration capability will utilize the TVS to biometrically identify departing travelers. The limited expansion will demonstrate to airlines and airports the functionality of the TVS system. After successful demonstrations, CBP, airports, and airlines can begin discussions about how facial recognition may be integrated into current airline modernization plans.

In 2017, CBP will expand the TVS platform to further support the collection and matching of biometrics. CBP will determine the best path forward for 2018 if airlines' and airports' plans do not include the collection of biometrics as part of their departure processes/procedures

Stakeholder Engagement

In addition to CBP's planned expansion, the Agency is executing a proactive engagement strategy with partners within the travel industry to execute public/private partnerships. The goal of these engagements is to demonstrate an integrated, comprehensive approach to identity verification that provides a seamless travel experience.

CBP has introduced the Biometric Entry/Exit vision to the air travel industry including international airports, U.S. airline carriers and travel organizations to include Airlines for America (A4A), Airports Council International – North America (ACI-NA), American Association of Airport Executives (AAAE), and the International Air Transport Association (IATA).

By involving all of the stakeholders, CBP is able to discuss and refine the solution and verify potential benefits for all stakeholders. CBP is now collaborating with U.S. carriers and planning demonstration pilots.

The following airlines have initiated facial recognition projects with CBP:

- Jet Blue: Paperless Boarding Project, Boston, June 2017
- Delta: Auto Boarding Gate Project, JFK, June 2017
- Delta: Camera integrated Boarding Project, Atlanta, July 2017

Land Strategy

CBP has developed an interim Land Border Biometric Exit Strategy. The strategy is divided into near-term and longer-term projects.

In the near-term, CBP will implement a Third Country National (TCN) reporting requirement – which will require non-Mexican and non-Canadian travelers to report their departure – and land border facial recognition pilots.

In the longer term, CBP will continue to advance the use of self-reporting mobile applications, collection of “at-speed” biometric capture from vehicles, and continue existing biographic data exchange projects with Canada and Mexico.

The interim Land Border Biometric Exit strategy focuses on implementation at all northern and southern land borders for TCNs to report their final departure from the United States. CBP anticipates the TCN implementation will be completed in FY 2018.

Additionally, CBP will conduct a pilot of pedestrians at two southwest ports, Nogales and San Luis, and anticipates this pilot will begin in FY 2018. The pilot will utilize TVS implemented in the air environment, creating and utilizing galleries of faces of frequent pedestrian crossers for identity verification.

CBP will build upon the interim strategy by inserting innovative technologies, once proven viable, for the land port environment, such as the following:

- Vehicle “at speed” technologies for capturing biometrics from passengers in vehicles and matching algorithms
- A public facing mobile application is being developed for travelers to biometrically self-report their final departure from the United States and will be tested in FY 2018
- Data sharing partnerships with Mexico and Canada will be advanced

Question: The Executive Order directed expedited implementation of a nationwide biometric entry-exit program.

- 22. How will CBP expedite the deployment of a system and when will we have a fully operational entry-exit program?

Answer: CBP is expediting the implementation of biometric exit, and has already begun deploying key components, especially the TVS. CBP is accelerating the implementation of a comprehensive entry/exit system, which initially focuses on the air environment, before addressing other operational environments.

CBP will expand the TVS this summer. The expansion will demonstrate to additional airline and airport partners how biometrics can be easily integrated into the current boarding processes, provide real-time, centralized biometric matching capabilities, and record outbound departures. The interim land border strategy is pragmatic, feasible and focused on Third Country Nationals while working to innovate long term technical solutions for vehicle and pedestrian environments. In early 2018, the TVS will have the capability to support biometric exit operations at the top 20 airports, as defined by international arrivals.

Industry enthusiasm is gaining momentum after the success of the Atlanta demonstration and after engagement with air travel industry including airport authorities, airline carriers, and national travel organizations. The engagement strategy is clear. CBP will consult and involve; demonstrate and collaborate; and negotiate and execute.

- 23. Do you have any projected costs for full deployment?

Answer: CBP is currently working on a lifecycle cost estimate for the biometric Entry/Exit Program. A part of that effort, DHS has prepared the “Biometric Exit and H1-B and L-1 Fees Spend Plan”, a report which is now being finalized and will be transmitted to Congress in the near future. The spend plan provides an initial Rough Order of Magnitude supporting biometric exit capabilities in the air segment. The back-end services and infrastructure will be scalable to meet demand for land and sea biometric operations as they are implemented.

The “Biometric Exit and H1-B and L-1 Fees Spend Plan” is focused only on deployment of capabilities to the top 20 airports as defined by international arrivals. Provided below is a summary of the 10-year anticipated costs for the top 20 airports:

- Information Technology (IT) Investment: \$250 million
- Program Management and Operational Support: \$139 million
- Technology Innovation: \$115 million
- Site Deployment: \$41 million
- CBPO Staffing: \$455 million

ICE Family Detention Beds

Background: ICE operates three Family Residential Centers (FRC) with a capacity to hold 3,000 families. Current family ADP is less than 600. Costs for these facilities are fixed at over \$24.3 million per month regardless of how many families are detained. Even if none were detained, it will still cost the government \$24.3 million per month.

Question: The cost of beds for family units is fixed and costs the government \$24.3 million per month to detain two family members or to detain 2,000. This cost is astonishing and we cannot sustain this approach to family detention given fiscal constraints and the current, ADP level for families.

- Will the level of service presently provided at Dilley be sustained at this cost level?

Answer: Yes, under the current contractual arrangement up to 2,400 beds are available at the South Texas Family Residential Center in Dilley, Texas. ICE mandates that the facility be adequately staffed for this population and that it operate within the requirements of the ICE Family Residential Standards, regardless of the population.

- How do the costs of services in Dilley, Texas, compare to Karnes, Texas and Berks, Pennsylvania?

Answer: The following table illustrates the fixed monthly costs at the three Family Residential Centers (FRC) as well as the per-unit cost of housing detainees at these facilities given the stated licensed capacities. The per-unit cost details the cost of each bed at a given facility for one day. Because costs at each of the FRCs are fixed, the per-unit cost for a given facility will remain the same regardless of the number of detainees housed at that facility.

Facility	Fixed Monthly Cost	Licensed Capacity	Per Unit Cost
South Texas Family Residential Center	\$16,078,676	1,560	\$338.86
Karnes County Residential Center	\$5,000,009	830	\$198.05
Berks County Family Shelter	\$746,333	96	\$255.59
Total	\$21,825,018	2,486	\$288.63

Notes: The cost to house detainees at Berks County Family Shelter is not completely fixed; that is, there is an additional per diem cost of \$10.95 to house each detainee for one day. The per unit cost for Berks is calculated assuming the full licensed capacity. ICE is also considering converting Karnes back to an adult detention facility, but this will depend in large part on whether any savings can be identified at Dilley.

- What options is ICE looking at to more efficiently and economically manage family detention beds?

Answer: ICE routinely re-examines its current contracts as a means to more efficiently manage its limited resources, and it continues to assess its ever-changing detention needs based on emerging trends and resource allocations. The cost of detaining a family is significantly higher than detaining single adult aliens due to the more stringent educational, medical, recreational, and therapeutic requirements required by both the Flores Settlement Agreement and the ICE Family Residential Standards.

- Have you considered funding to a more realistic number and adding a contingency capability in the event of a surge?

Answer: At any given time a surge may occur and additional bed space cannot typically be immediately available. ICE believes that the existing family detention bed space is adequate for both current needs and a potential surge, given recent trends and priorities. As stated above, however, we continue to assess needs and resources on an ongoing basis.

Operation Phalanx

Background: The fiscal year 2017 omnibus includes significant funding for Operation Phalanx within the Department of Defense (DoD); however, DHS has yet to request support from DoD. This is the program that provides DoD assets (with DoD funding) to support border operations. It can be with intelligence, but the greatest need is aircraft.

Question: The fiscal year 2017 omnibus includes significant funding for Operation Phalanx within the Department of Defense (DoD); however, DHS has yet to request support from DoD.

- 24. Chief Provost, do you have sufficient air support from Air and Marine or do you need the additional resources that could be provided by the Department of Defense?

Answer: USBP can certainly benefit from Department of Defense operational aviation support.

- 25. Have you requested additional support?

Answer: USBP has been engaged in mutual collaborative efforts with the Department of Defense to leverage aviation support for border security operations in FY 2017. Initial funding for joint border security operations has been sent to the States of Texas, New Mexico, Arizona, and California.

Other Executive Order Efforts

Background: The Executive Order on Border Security and Immigration Enforcement Improvements direct reviews: 1) to identify and quantify sources of aid to Mexico, 2) to return aliens to contiguous countries, 3) on proper use of parole authority, processing and treatment of Unaccompanied Alien Minors, and accountability measures to protect alien children from exploitation; and 4) to prevent abuses of U.S. immigration laws.

Question: On February 20, Secretary Kelly issued implementation memos on how to execute the executive orders. I have a number of questions of certain efforts.

Return of aliens to the country from which they entered:

- What is the status of implementing the INA directive to return aliens to contiguous countries from which they entered....in this case returning aliens to Mexico even if they are not Mexican?

Answer: Section 7 of the Executive Order on Border Security and Immigration Enforcement Improvements directs the Secretary of Homeland Security to take all appropriate action to ensure that aliens described in Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

DHS and the Government of Mexico are currently holding discussions to determine whether an agreement can be reached to have third country nationals remain in Mexico pending their removal proceedings, in accordance with U.S.C § 1225(b)(2)(C).

- Has either CBP or ICE been working with Mexico in these efforts?

Answer: DHS agreed with Mexico that implementation of such a program would only be done with the full consent and participation of the Mexican Government. CBP, ICE, and the U.S. Department of Justice's Executive Office for Immigration Review have collaborated to develop an implementation strategy for the establishment of immigration court hearings at or near POEs should an agreement with Mexico be reached.

Through these collaborative efforts, CBP has identified two options for immigration port court operations. The first option consists of establishing a video teleconference system that will allow immigration judges to remotely hear cases. The second option consists of having immigration judges physically present at the port court, which would require additional space, security, and

support personnel to proceed. DHS and CBP are currently identifying cost and other logistical requirements, and are also working to determine if a regulation is necessary to establish immigration court hearings at or near POEs.

Appropriate use of parole:

- Director Homan, what is the status of final regulations clarifying the appropriate use of ICE's parole authority and how does it change existing guidance?

Answer: Executive Order 13767 establishes "the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens." The Executive Order directs the Secretary of Homeland Security to "take appropriate action to ensure that parole authority under Section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole."

Pursuant to the Order, the Secretary directed a review of existing uses of parole authority. While some initial regulatory changes are in the works through USCIS, the review of parole programs, including any changes to ICE's regulations, generally remains ongoing. Any resultant changes to regulations and/or guidance would be consistent with the Executive Order and applicable statutory requirements. Currently, DHS's regulatory agenda does not include rulemaking relating to ICE's parole authority.

Reclassification of a UAC if the minor is placed with a parent:

- Will ICE be changing the way it identifies and processes UACs?

Answer: DHS, including ICE, is currently reviewing the way an unaccompanied alien child (UAC) is identified and processed.

- Do you plan to remove the classification of an alien minor as a "UAC" if the minor is placed with a parent? If so, what is the impact on the alien minor?

Answer: The "Unaccompanied Alien Child" (UAC) term was codified into law through the Homeland Security Act of 2002. A UAC is a child who (1) has no lawful immigration status in the United States; (2) has not attained 18 years of age; and (3) with respect to whom (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody. All three factors must be present in order for a minor to be deemed a UAC.

A UAC is entitled to certain legal protections and certain standard requirements do not apply to him or her that may apply to other aliens. For instance, a UAC is not subject to expedited or administrative forms of removal; rather a UAC who is not from a contiguous country is placed in removal proceedings before an immigration court. Additionally, pursuant to the Trafficking

Victims Protection Reauthorization Act (TVPRA), USCIS has initial jurisdiction over all UAC asylum applications even if the minor is in removal proceedings.

If an individual no longer meets the statutory definition of UAC, then he or she would not be entitled to certain legal protections and requirements, such as some of the protections and requirements just mentioned. DHS, including ICE, is currently reviewing how and when certain events, such as placement with a parent, impacts the individual's continued classification as a UAC and how that individual will proceed through the removal process if DHS determines the individual no longer meets the statutory definition of a UAC. As the UAC policy remains under review, DHS cannot ascertain yet what, if any, impact possible changes would have on minor or non-minor aliens.

Prosecution of parents for smuggling minor children to the U.S.:

- Does ICE intend to prosecute parents for smuggling or trafficking activities because they paid smugglers to bring their children into this country?

Answer: Smuggling and trafficking are two different crimes. From a trafficking perspective, ICE will seek to prosecute parents if there is direct evidence that the parents were involved through force, fraud, or coercion, in the recruitment, harboring, or transportation of the child for labor/services, or for commercial sex acts (provided venue exists in the United States).

ICE has developed an initiative to identify the networks involved in smuggling UACs to the United States. When appropriate, ICE will present investigations that reveal sponsors and/or parents who have been involved in alien smuggling or trafficking violations to U.S. Attorney's Offices in the appropriate jurisdictions for prosecution. This arrangement will allow for further investigation and prosecution of alien smuggling and trafficking networks both in the United States and in source and transit countries.

Expansion of the 287(g) program to CBP:

- 26. Does the Border Patrol intend to expand the 287(g) program to CBP? If so, how does CBP plan to implement the program?

Answer: Greater security at the Nation's borders is the focus of the 287(g) program expansion by identifying operational gaps and vulnerabilities, planning against them, conducting targeted immigration enforcement against threat sources, and measuring results. Implementation of the 287(g) program expansion requires complex planning processes, outside agency assessments, organizational education, training, outreach, and new performance measure development. Accordingly, CBP consulted with ICE, to develop and define CBP-wide support efforts to expand the ICE 287(g) program and enhance border security efforts with state and local law enforcement agencies.

CBP is not currently developing a separate 287(g) program. Instead, CBP is collaborating with ICE to support the 287(g) program expansion by providing referrals of viable Law Enforcement Agencies (LEA), rendering operational and administrative insight on border area LEAs during

Program Advisory Board (PAB) sessions, and supporting 287(g)-related law enforcement activities on the field. To support the training needed for existing and new partners, CBP is reviewing the ICE 287(g) training curriculum to develop informed recommendations for notional task force and patrol model 287(g) training programs.

Unauthorized Fees

Background: The President's Budget request includes a decrease of \$157 million based on an unauthorized user fee proposal concerning the termination of Brand USA – redirecting the user fee surcharge currently deposited in the Travel Promotion Funds for Brand USA expenses to CBP for passenger processing expenses. The fee proposal will not be approved, thus creating a \$157 million deficit in the Office of Field Operations' budget.

Additionally, the CBP budget includes \$542 million in fee increases for the COBRA fee (\$2 increase) and the Immigration User Fee (\$2 increase).

Question: Commissioner, the budget includes a decrease of \$157 million based on the assumption that Congress will terminate the Brand USA program – which is funded by a \$10 surcharge for Visa Waiver Program visas – and redirect the funds to CBP for passenger operations.

➤ 27. What is the impact to CBP if the proposal is denied by Congress?

Answer: The FY 2018 President's Budget redirects the \$157 million from the Brand USA program to support 1,099 CBPO positions currently onboard. Should Congress not support the proposal, CBP will experience a commensurate and significant shortfall in FY 2018 appropriated funding for compensation of these 1,099 existing employees. CBP would need to take potential actions such as implementing a hiring freeze, reducing overtime, and/or taking other measures to adhere to the reduced overall budget.

Question: While not directly included in the budget, CBP also included fee proposal increases for COBRA fees and the Immigration Use Fee – \$2 increases each – intended to generate \$542 million for new officers.

➤ 28. What is the impact to CBP staffing if the proposals are denied?

Answer: CBP will not be able to meet its projected staffing needs, and passenger wait and trade processing times will likely increase.

CBP's workload staffing model (WSM) identifies the number of CBPOs required to effectively meet current trade and travel demands. The FY 2018 President's Budget indicates an FY 2018 End of Year authorized staffing level of 23,164 CBPO positions, which is below the WSM recommended position level.

CBP's COBRA and IUF fee proposals are designed to provide funding to bring the CBPO staffing level closer to the WSM recommended position level. While CBP does need additional

CBPO positions as indicated in our response to previous questions, CBP acknowledges that it needs to resolve its hiring challenges and fill current vacancies before coming back to Congress to ask for additional positions. Specifically, the COBRA fee proposal would support up to an additional 1,146 CBPO positions and the IUF proposal would support up to an additional 1,045 CBPO positions.

Should Congress deny the COBRA and IUF fee proposals, passenger wait and trade processing times will continue to increase as trade and travel volumes are projected to grow, while CBPO levels will not. CBP may experience increased overtime requirements in order to meet some of the demand for trade and travel.

Question: 29. All of these proposals are outside the jurisdiction of this committee. Are you working with the appropriate authorizing committees on the proposals?

Answer: Yes, CBP will engage the appropriate committees of jurisdiction on all legislative proposals.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Lucille Roybal-Allard

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**Committee on Appropriations
Subcommittee on Homeland Security
CBP/ICE FY 18 Budget Request
June 13, 2017**

ICE Detention Inspections

Question: During 2016, the Office of Civil Rights and Civil Liberties reported that it was working with ICE to improve the inspection of detention facilities.

- What changes been made to the inspection process as a result, or are changes planned for the future?

Answer: U.S. Immigration and Customs Enforcement (ICE) has initiated audits of detention facilities pursuant to the U.S. Department of Homeland Security (DHS) Prison Rape Elimination Act (PREA) regulation and the completed audits have been posted on the ICE website for public review.

Question: There has been a long-standing statutory requirement that ICE discontinue contracting with detention facilities that have two consecutive substandard performance evaluations.

- Have any detention facilities ever received two “less than adequate” performance reviews, and if so did ICE cancel those contracts?

Answer: Eight facilities have received two consecutive deficient ratings following ICE Enforcement and Removal Operations’ (ERO) internal annual inspections; ICE no longer uses these facilities.

- Has ICE ever delayed the completion of an inspection report so that a detention facility could correct any deficiencies uncovered during an inspection?

Answer: No. ICE inspection reports, which are issued by an independent contractor, are not delayed due to deficiencies uncovered during an inspection. The contract between ICE and the contractor requires that the inspectors issue their report along with a recommended rating to ICE within eight business days after conducting their inspection. Once ICE receives the reports, ICE ERO Headquarters Custody Management staff work with field office personnel to address any deficiencies found and then implement appropriate corrective action. While high priority concerns are addressed immediately, typically a field office has up to 55 business days to make all facilities corrections. The implementation of corrective action does not have an impact on the issuance of the inspection report.

ICE's Office of Detention Oversight (ODO), within the Office of Professional Responsibility, conducts compliance inspections of all ICE facilities that house detainees for periods exceeding 72 hours and that have an average daily population greater than 10. ODO has not delayed the production of any of its compliance inspection reports to enable a facility to correct any identified deficiencies. Rather, all of the deficiencies identified by ODO inspectors are included in the final inspection report, even if a facility initiated corrective action to resolve the deficiency prior to ODO's completion of the inspection. In those instances where a facility initiates corrective action, ODO notes that corrective action was taken in response to the underlying finding as part of its cumulative report.

ICE Detention Facilities

Question:

- Please provide a list of all detention facilities, including non-dedicated facilities, currently used by ICE and the detention standards that currently apply to each facility.

Answer: A complete list of the detention facilities ICE currently utilizes, as well as the detention standards that apply to each facility, is provided separately.

- Please provide the names and geographic locations of new facilities, including non-dedicated facilities, with which ICE has entered into detention contracts since January 1, 2017, and the detention standards required under each contract.

Answer: ICE has begun utilizing a total of four new facilities since, or just prior to, January 1, 2017. All of these are subject to the 2011 Performance Based National Detention Standards. The facilities are as follows:

1. Cibola County Correctional Center, which operates under an Intergovernmental Service Agreement (IGSA), is located in the El Paso Area of Responsibility (AOR). ICE's first use of the Cibola County Correctional Center was on December 27, 2016.
2. Northeast Ohio Correctional Center, which is a Contract Detention Facility, is located in the Detroit AOR. ICE's first use of the Northeast Ohio Correctional Center was on December 18, 2016.
3. Prairieland Detention Facility, which operates under an IGSA, is located in the Dallas AOR. ICE's first use of the Prairieland Detention Facility was after January 1, 2017.

4. Folkston ICE Processing Center, which operates under an IGSA, is located in the Atlanta AOR. ICE's first use of the Folkston ICE Processing Center was after January 1, 2017.
5. Cibola County Correctional Center, which operates under an Intergovernmental Service Agreement (IGSA), is located in the El Paso Area of Responsibility (AOR). ICE's first use of the Cibola County Correctional Center was on December 27, 2016.
6. Northeast Ohio Correctional Center, which is a Contract Detention Facility, is located in the Detroit AOR. ICE's first use of the Northeast Ohio Correctional Center was on December 18, 2016.
7. Prairieland Detention Facility, which operates under an IGSA, is located in the Dallas AOR. ICE's first use of the Prairieland Detention Facility was after January 1, 2017.
8. Folkston ICE Processing Center, which operates under an IGSA, is located in the Atlanta AOR. ICE's first use of the Folkston ICE Processing Center was after January 1, 2017.

Deaths in ICE Custody

Question:

- What process is in place to review the circumstances surrounding a death in ICE custody?

Answer: Whenever a detainee dies in ICE custody, ICE notifies multiple offices in DHS, including the Office of Health Affairs and the Office for Civil Rights and Civil Liberties. ICE also provides Congressional notifications through its Office of Congressional Relations.

Additionally, the ICE Office of Professional Responsibility (OPR) provides notification to the DHS Office of Inspector General (OIG), which may subsequently investigate the facts and circumstances surrounding the death of the detainee. Should OIG decline to conduct the investigation, the OPR External Reviews and Analysis Unit will conduct an objective review of the facts and circumstances surrounding the death. The purpose of the review is to determine whether the facility responsible for housing the detainee fully complied with ICE detention standards, as applicable to the detainee's healthcare and security. Findings from each detainee death review are consolidated in a detailed report, which includes a chronological narrative of the detainee's time in ICE custody, identifies any areas of noncompliance, and is provided to ICE leadership.

In addition to OPR's review, immediately upon notification of a detainee death, the ICE Health Service Corps (IHSC) assigns a compliance investigations specialist to gather all pertinent documents and interview all relevant staff. Documents related to the investigation are then reviewed by a peer review committee consisting of the IHSC medical director, the compliance investigations specialist, and other DHS-credentialed health care providers. The peer reviewers determine whether the detainee received appropriate health services in relation ICE Health Service Corps to nationally recognized standards of detention health care and practices. Should the review determine that the detainee did not receive appropriate care, a remedial action plan is recommended. In cases where a remedial action plan has been recommended, IHSC's Medical Quality and Compliance branch works with the immigration detention facility to produce and implement a corrective action plan.

Both the OPR and IHSC reviews are discussed by the ICE Detention Monitoring Council (DMC), a body chaired by the Executive Associate Director of Enforcement and Removal Operations and comprised of cross-agency senior staff. The DMC meets quarterly, as well as immediately, to respond to critical incidents, including the official report of a detainee death. The DMC is empowered to develop and recommend appropriate, immediate, and long-term remedial plans and lessons learned from critical incidents. Additionally, the DMC ensures ICE's various enforcement, contractual, and other resources are aimed at addressing serious deficiencies and systemic problems identified at immigration detention facilities.

- Please provide a table comparing the number of deaths in ICE custody, by detention facility, for the last five fiscal years.

Answer: Please see the table that follows:

Detention Facility	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017*	Total
Adelanto Correctional Facility, CA	-	-	1	1	2	4
Atlanta City Detention Center, GA	-	-	-	-	1	1
Brooks County Detention Center, TX	1	-	-	-	-	1
Columbia Kendal Hospital, FL	-	-	-	1	-	1
El Paso County Criminal Justice Center, CO	-	-	1	-	-	1
Eloy Federal Contract Facility, AZ	3	-	1	-	1	5
Essex County Correctional Facility, NJ	-	-	-	1	-	1
Florence Servicing Processing Center, AZ	-	-	1	-	-	1
Guaynabo Metropolitan Detention Center, PR	1	-	-	-	-	1
Hall County Department of Corrections, NE	-	-	-	1	-	1
Houston Contract Detention Facility, TX	1	2	1	-	-	4
Hudson County Correctional Center, NJ	-	-	-	-	1	1
Jena/LaSalle Detention Facility, LA	-	-	-	3	1	4
Joe Corley Detention Facility, TX	1	-	-	-	-	1
Orange County Jail, NY	-	-	-	1	-	1
Otay Mesa Detention Center, CA	-	1	-	1	-	2
Otero County Processing Center, NM	-	-	-	1	-	1
Port Isabel Detention Center, TX	1	-	1	-	-	2
Rio Grande Detention Center, TX	-	1	-	-	-	1
Rolling Plains Detention Center, TX	1	-	-	-	1	2
South Texas Detention Complex, TX	-	-	1	-	1	2
Stewart Detention Center, GA	-	-	-	-	1	1
Utah County Jail, UT	-	1	-	-	-	1
Victor Valley Global Med Center, CA	-	-	-	-	1	1
York County Prison, PA	-	1	-	-	-	1
Total	9	6	7	10	10	42

*FY 2017 Year- to-Date data is current as of June 15, 2017.

- Over the last five fiscal years, how many reviews of a death in ICE custody led to changes in ICE policies or practices for the treatment care of detainees?

Answer: ICE does not keep statistics on how many deaths resulted in changes to policies or practices. However, following every death in ICE custody, the DMC meets to ensure a timely and comprehensive agency-wide review and response. This review provides insight into many different areas pertaining to ICE policies and practices for the care of detainees, and may result in facility level or agency-wide recommendations and changes. As one recent example, the DMC decided to create a working group to review, develop, or enhance training for ICE officers and employees who have contact with detainees on recognizing the signs and symptoms of suicidal ideation or self-harm.

ICE Family Detention

Question: Under a federal District Court ruling, the detention of families with children must be limited unless the facilities are state-licensed and non-secure.

- What is the current status of pursuing state licensing for family detention facilities?

Answer: ICE has family residential centers (FRC) in two states. Due to on-going litigation in each state, none of the FRCs are currently licensed. However, each FRC is in the process of acquiring or re-certifying their license. The status of each state is as follows:

- **Pennsylvania:** Berks County Residential Center (BCRC), Leesport, Pennsylvania. Pennsylvania's Department of Human Services is currently appealing an administrative law judge's ruling that it acted arbitrarily and capriciously when it did not renew BCRC's license. BCRC was first licensed in 2001.
- **Texas:** Karnes County Residential Center (KCRC), Karnes City, Texas, and South Texas Family Residential Center (STFRC), Dilley, Texas. Neither facility has a state license due to a state court order. Prior to the order, the Texas Department Family Protective Service (DFPS) granted KCRC a license, and STFRC's license application was pending. DFPS and the contractors who operate KCRC and STFRC are appealing the order. Even without licensing, both facilities are adhering to the requirements of the DFPS. Both facilities are subject to random inspections as required by state licensing and both are in full compliance with state standards.

- Does ICE intend to satisfy the District Court's requirement that family detention be non-secure?

Answer: All ICE FRCs are non-secure. Residents are not locked in the facilities and can walk out at any time. However, residents who leave an FRC without permission may face negative immigration consequences. Individuals who escape from immigration custody are potentially subject to prosecution under 18 U.S.C. § 751(a), and 8 U.S.C. § 1537(d). In addition, individuals who escape are subject to being taken into custody again until the completion of their removal proceedings pursuant to 8 U.S.C. § 1226(a); 8 C.F.R. § 236.1(b)(1). After re-apprehension, an

individual with a history of escaping from immigration detention may be subject to more restricted conditions of confinement and/or a higher bond because flight risk is one of the factors to be taken into consideration when setting conditions of release or confinement, as provided under 8 C.F.R. § 236.1(c)(8); *see also Matter of Patel*, 15 I&N Dec. 666, (BIA 1976).

Family Case Management Pilot Program

Question:

- Please provide details of ICE's evaluation of the recently discontinued Family Case Management Pilot Program, comparing outcomes to those of families participating in the full service Intensive Supervision Appearance Program; data should not include outcomes for participants who absconded prior to reporting to their caseworker.

Answer: ICE terminated the Family Case Management Program (FCMP) pilot on June 20, 2017. The FCMP was more expensive than the Intensive Supervision Appearance Program (ISAP III) per day per person, costing approximately \$35.73 per day in Fiscal Year (FY) 2017, as compared with approximately \$4.40 per day per enrollee for traditional Alternatives to Detention programs. The FCMP had an absconder rate of about 3 percent, compared to an ISAP III absconder rate of 7 percent since its inception in November 2014.³

During the period the FCMP was active, from January 20, 2016 through June 20, 2017, ICE removed 16 aliens from the United States who had participated in the FCMP. From January 20, 2016 through June 30, 2017, ICE removed 2,781 ISAP III participants.⁴

Total Participation:

Forms of Supervision	1.20.2016 - 6.30.2017 Participants Served	1.20.2016 - 6.30.2017 Participants Removed	1.20.2016 - 6.30.2017 Percent Removed
ISAP III	42,884	2,781	6.5%
FCMP FY 2016-2017	1455	16	1%

Compliance with ICE Requirements:

Forms of Supervision	1.20.2016 - 6.30.2017 Success Rate	1.20.2016 - 6.30.2017 Failure Rate
ISAP III	79.0%	21.0%
FCMP FY16/17	87.0% / 96.1%	13.0% / 3.9%

Court Appearances, Total Hearings:

³ The FCMP and ISAP III absconder rates reflect the percent of terminated participants who were terminated due to absconding from the program. The FCMP absconder rate does not include outcomes for participants who absconded prior to reporting to their caseworker.

⁴ To be considered in the removal calculation, a participant must have been enrolled for at least one day during Fiscal Years 2016 or 2017 and departed the United States with a final order of removal.

Forms of Supervision	1.20.2016 - 6.30.2017 Total Hearings Attended	1.20.2016 - 6.30.2017 Failed to Attend	Attendance Rate
ISAP III	91,064	410	99.6%
FCMP FY16/17	184/426	0/1	100%/99.7%

Court Appearances, Final Hearings:

Forms of Supervision	1.20.2016 - 6.30.2017 Final Hearings Attended	1.20.2016 - 6.30.2017 Failed to Attend	Attendance Rate
ISAP III	5,066	410	92.5%
FCMP FY16/17	17/50	0/1	100%/99.7%

Alternatives to Detention

Question:

➤ Please provide the most recent performance data for the Alternatives to Detention program.

Answer: ICE records⁵ indicate the following for FY 2017:⁶

FY 2017 Compliance Rates:

Metric	FY 2017 Through May
Success Rate ⁷	80.5%
Failure Rate ⁸	19.5%

FY 2017 Court Appearances, Total Hearings⁹

	Participants	Percentage
Attended	43,343	99.6%
Failed to Attend	176	0.4%
Total	43,519	100.0%

⁵ Data cited through this document was provided by the BI Inc. Participants Reports, the contractor in charge of ICE's ATD program, and analyzed by ICE Enforcement and Removal Operations personnel.

⁶ FY 2017 data provided throughout this document was updated as of May 31, 2017.

⁷ An individual who is no longer required to participate and ICE determined that they have successfully completed the program, complying with release conditions.

⁸ The percent of terminated participants who failed to comply with program policies or expectations, or due to absconding from the program.

⁹ "Total hearings" include master calendar hearings, continuances, a hearing on the merits of the case, individual hearings, and final hearings.

Court Appearances, Final Hearings¹⁰

	Participants	Percentage
Attended	2,253	92.8%
Failed to Attend	176	7.2%
Total	2,429	100.0%

- How often do individuals enrolled in ATD abscond by removing or otherwise defeating electronic monitoring devices?

Answer: In FY 2017 (from October 1, 2016, through May 31, 2017), ICE utilized two forms of electronic monitoring, namely telephonic reporting and GPS, as well as varying levels of case management systems, through the Alternatives to Detention (ATD) program.

ICE data indicates that in FY 2017, ATD supervised 94,792 participants. Of those 94,792 participants, 26,582 were terminated from electronic monitoring requirements under the ATD program. Of those 26,582, a total of 4,474 terminations were due to absconding. Of the 4,474 absconders, 1,642 were related to telephonic reporting, while 2,832 were related to GPS.

- What policies or guidelines are in place to ensure the most efficient use of ATD in support of appearances at hearings and final removal?

Answer: The ATD Program supervises participants utilizing a combination of home visits, office visits, alert response, court tracking, and technology.

The Federal Government has implemented a supervision model where the participant is assigned to the most appropriate component and technology based upon a multitude of factors which include, but are not limited to, current immigration status, criminal history, compliance history, community or family ties, status as a caregiver or provider, and other humanitarian or medical conditions. Compliant participants receive reduced monitoring and technology while higher risk participants are assigned to more stringent reporting. ATD officers conduct regular compliance reviews every 30 days a participant is enrolled in the ATD program. Any participant who is convicted of a crime, receives a final order of removal, or is non-compliant with the program while on ATD is considered for an increase in case management, technology, or custody, in accordance with ICE enforcement priorities.

ICE Hiring

Question: The President's Fiscal Year 2018 Budget proposes the hiring of 1,000 additional law enforcement officers (LEO) at ICE as the first step in hiring 10,000 new LEOs as directed by Executive Order 13768.

¹⁰ "Final hearings" are a subset of total hearings. These are hearings where the Immigration Judge makes a final determination on the case.

- Does ICE have a staffing model that demonstrates the need for this number of additional personnel?

Answer: ICE utilized its Workload Staffing Model (WSM) to define its staffing requirement and demonstrate resource needs for 10,000 immigration officers. The WSM is a staffing tool used to determine staffing requirements based on workload hours, workload activities, and frontline staffing levels. The WSM utilizes operational, personnel, and financial data for the analysis. Assumptions made as part of the analysis included an increased detention population, U.S. Customs and Border Protection's (CBP) hiring of Border Patrol agents, at-large arrests foregone when detainer requests are not honored, and the at-large criminal alien population on the southern border. Based on the current operational data and these additional inputs, it was determined ICE requires 10,000 additional officers. The FY 2018 President's Budget includes funding for the first ten percent of ICE's law enforcement hiring totaling 1,000 officers,

- How does ICE plan to allocate these new positions across programs in fiscal year 2018 and future years?

Answer: The FY 2018 President's Budget funds 1,606 positions, including 1,000 law enforcement officers (LEOs). The positions are allocated as follows:

- 150 Homeland Security Investigations (HSI) LEOs
- 850 ERO LEOs
- 606 to support functions, to include:
 - 42 HIS
 - 236 ERO
 - 195 Office of the Principal Legal Advisor
 - 132 Mission Support
 - one position for the newly established Victims of Immigration Crime Engagement Office.

Question: Section 4 of Executive Order 13767 directs the Department to "obtain complete operational control" of the southern border – defined as preventing "all unlawful entries into the United States" – and to "immediately plan, design, and construct a physical wall along the southern border." In the past, CBP has testified that "operational control" is an unrealistic standard that can never be met.

- 30. Do you believe it is possible to achieve "100 percent operational control of the southern border?" And if so, at what cost and on what schedule?

Answer: It is unlikely that CBP will ever achieve complete operational control as the Executive Order describes it. However, targeted investment of tactical infrastructure, personnel and technology and continued refinement of operating procedures to adapt to changing transnational criminal networks and other smuggling organizations will allow CBP to continue to make progress towards this objective.

CBP Hiring

Question: The budget proposes the hiring of 500 new Border Patrol agents in fiscal year 2018. As of the end of fiscal year 2016, there were 19,828 agents on board. As of mid-April, the number had dropped to 19,543. This is more than 1,800 below what, for several years, had been the statutory minimum. That statutory minimum from prior years was largely arbitrary, a result of the inability of the Border Patrol to justify a personnel requirement.

- 31. What is the status of the Border Patrol's staffing model, and when will it begin to inform hiring plans?

Answer: As of March 2017, the senior leadership of the U.S. Border Patrol (USBP) – working in concert with the CBP Executive Assistant Commissioners and in support of established goals of the CBP Commissioner and the DHS Secretary – directed the acceleration of the Personnel Requirements Determination (PRD) Initiative. CBP is working to produce a USBP Staffing Model (alpha version) for the most significant segment of USBP personnel: the Patrol Border Group (PBG). The PBG is comprised of all operational forces conducting the primary functions, which enables USBP to conduct daily frontline operations. Upon completion, this can serve as an alpha model to provide staffing estimates for USBP Sectors and Stations for this population.

The fundamental elements of the USBP Staffing Model are as follows:

Condition Analysis –

- Identify all significant variables related to working conditions relevant to staffing requirements
- Collect condition data at the Zone level
- Document and analyze patrol requirements related to conditions and workload

Workload Analysis –

- Access all significant workload data relevant to the Patrol Border Group functions
- Examine apprehensions, seizures, citizen call outs, patrol requirements, and other agent and supervisor workload variables.
- Collect additional workload data not stored in CBP datasets
- Examine subject matter expert supervisory recommendations regarding workload, threats, staffing requirements and risks

Staffing Requirements –

- Collect staffing data by Essential Mission Function (EMF) at the zone level
- Collect subject matter expert supervisory estimates of minimal, optimal and operational control staffing levels by EMF by shift and zone
- Analyze relationships between conditions, workload and staffing levels
- Generate staffing estimates based on zone and station conditions and workload

- 32. What will be the result if the staffing model ultimately suggests a staffing level short of what the executive order directs?

Answer: Based on a sample of subject matter experts' estimation of illegal drug smuggling in Southwest and Coastal Border Sectors¹¹, there are indications that a significant proportion of all illegal drug activity is going undetected. This, coupled with the sophistication of illegal drug and alien smuggling, indicates that threat tactics are evolving and total illegal activity is not only unknown but becoming more difficult to detect.

Using the Personnel Requirements Determination tool, field leaders use existing deployment numbers under current staffing. These same leaders are asked for optimal numbers under 2016 conditions and then are asked for their estimates to achieve operational control. That progression of numbers will be a significant increase using personnel only. Those numbers can be balanced with the application of impedance and situational awareness.

Furthermore, the staffing model will estimate – based on threats, conditions, infrastructure and workload – the staffing requirements at the zone, station, sector and overall USBP levels. While the estimate of a total number of agents and supervisory staff will be provided in aggregate, a major benefit of the system is to show the relative staffing levels of these operational units so that staffing can be adjusted based upon the available number of onboard agents and threat levels.

In addition, work hour data collection recording was re-engineered in FY 2014 to allow hourly time spent performing mission essential functions to be captured using the Border Patrol Enterprise Reporting Tool and the CBP time and attendance system.

Lastly, the staffing model will provide estimates of the number of agents needed to achieve minimal, optimal and operational control of the border by Sector and Station. The staffing model will provide objective data on how many agents should be assigned by Station and Sector to achieve the desired border security target.

Once the staffing model is complete, tested and operationally functional, the output which is a decision support tool and the executive decisions will be available for review.

Question: The budget proposes no discretionary funding to hire new CBP officers at the ports of entry.

- 33. Please provide details of the most up-to-date requirements indicated by the Workforce Staffing Model for the Office of Field Operation (OFO), with a comparison to the on-board end state for fiscal year 2018 proposed in the discretionary budget. For purposes of this display, please assume that the \$157,000,000 in fee revenue proposed for realignment to OFO from the Brand USA program is not authorized.

Answer: The FY 2018 President's Budget supports an FY 2018 End of Year authorized staffing level of 23,164 CBP Officers (CBPOs). Based on the FY 2016 Workload Staffing Model (WSM), the FY 2018 Budget includes two legislative proposals that would support approximately 2,200 additional CBPOs. CBP has 1,345 CBPO vacancies at this time, which

¹¹ Data is based on 2016 - 2017 PRD Work Studies, Focus Groups and Sector Interviews (Tucson, Del Rio, Buffalo, Ramey, San Diego, El Centro and Blaine).

includes attrition and the balance of positions still to be hired from the 2,000 CBPO positions Congress provided to us in FY 2014. CBP acknowledges that it needs to resolve its hiring challenges and fill current vacancies before coming back to Congress to ask for additional appropriated positions.

CBP Polygraph Test

Question: The explanatory statement accompanying the fiscal year 2017 omnibus included a directive to the Department related to the polygraph examinations given to candidates for CBP law enforcement positions. Specifically, it provided instruction on how CBP might conduct a limited trial of an alternative polygraph test.

- 34. Please describe how the alternative test will contribute to the efficiency of the hiring process without creating additional risk in hiring?

Answer: In an effort to refine and expedite this phase of our hiring process, CBP sought the assistance of the National Center for Credibility Assessment (NCCA) to identify a more streamlined testing format which also maintains CBP's high integrity standards. The NCCA and CBP collaborated in the development of the Test for Espionage, Sabotage and Corruption (TES-C) polygraph format which was specifically tailored to suit CBP's needs.

CBP fully implemented a six-month pilot of the TES-C format on May 1, 2017. TES-C retains all of the critical test topics contained in LEPET while providing a more streamlined testing format which maintains CBP's high standards of integrity and is expected reduce the length of examinations.

- 35. How does CBP plan to evaluate the trial and determine whether or not to permanently adopt the alternative test?

Answer: CBP created metrics and measures for the continuous evaluation of the TES-C format allowing for comparative analyses to be conducted between TES-C and LEPET. These analyses will include numerous datasets pertaining to the average time taken to complete exams, testing results (i.e., pass rates, failure rates and disqualification rates), and the types and number of admissions obtained during testing.

Camera Technology Initiative

Question: In 2015, CBP announced a Camera Technology initiative and produced a feasibility study.

- 36. Please provide an update on the current status of that initiative, including future plans and a schedule for deploying new camera technology to the field, including plans for body-worn and dashboard cameras.

Answer: Since we began the CBP Body-Worn Camera Feasibility Study in 2014, the body-worn camera technology industry has evolved dramatically. Cameras now come in the form of cell-

phone based apps, flashlights, helmet and eyeglass mounted units, and cameras integrated within a portable radio's speaker and microphone. However, the popular body-mounted or center mass unit dominates the market.

Prior to full deployment of any selected camera technology, CBP intends to address several factors including finding technology to meet the realities of CBP's varied operational environment; ensuring we maximize the current camera technology in place at certain checkpoints and ports; policy and privacy matters; collective bargaining considerations; IT security; network storage constraints; infrastructure constraints; and agent/officer training.

At select operational sites CBP will evaluate cameras from multiple commercially available vendors. CBP solicited quotes for body-worn cameras and vehicle mounted cameras. In response to the solicitation, CBP received 81 body-worn cameras and nine vehicle mounted cameras. CBP selected four vendors holding contracts on the GSA Schedule 84, SIN 426 4S Surveillance Systems, Wearable Body Cameras, Vehicular Video. The purpose of this selection is to conduct an operational demonstration to help further CBP's market research and define the agency's requirements. The evaluation will be conducted across multiple land, air, and marine law enforcement operational environments to include: (1) checkpoint operations, (2) outbound operations at U.S. ports of entry, (3) aviation enforcement operations, (4) marine enforcement operations, and (5) training environments.

With funds from the FY 2017 DHS Appropriations Act, CBP will continue to move forward with the Operational Demonstration and Evaluation. This is a complex effort that combines body-worn cameras, vehicle mounted cameras, and fixed cameras evaluated in selected operational environments. The \$5 million provided in FY 2017 will be used to upgrade the infrastructure necessary to conduct the evaluation. This upgrade entails procuring necessary hardware, software, and accompanying applications and tools. It also includes the costs for training evaluation participants on the new hardware and software, as well as the labor to install and test the upgraded environments at the evaluation sites.

We anticipate evaluating the procured cameras in the field setting in the coming months and will continue to develop our operational and technical requirements for incident-based camera technology as we consider the best way to address our data infrastructure and security needs, policy and privacy considerations, and collective bargaining obligations. Evaluating the procured cameras in the field setting in the coming months will yield important data required to build a more informed out-years picture and cost structure of what could be most beneficial to CBP.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE DAVID E. PRICE

**Carla L. Provost, Acting Chief
United States Border Patrol**

**John P. Wagner, Deputy Executive Assistant Commissioner
Customs and Border Protection**

**Thomas D. Homan, Acting Director
Immigration and Customs Enforcement**

**Committee on Appropriations
Subcommittee on Homeland Security
CBP/ICE FY 18 Budget Request**

June 13, 2017

Prosecutorial Discretion/Deportation Enforcement

Background: Secretary Kelly has stated that “If lawmakers do not like the laws that we are charged to enforce, that we are sworn to enforce, then they should have the courage and the skills to change those laws.”

Question: How is ICE exercising discretion when it comes to deportation enforcement?

➤ What is ICE’s order of removal strategy?

Answer: U.S. Immigration and Customs Enforcement (ICE) prioritizes for removal those aliens described by Congress in Sections 212(a)(2), (a)(3), and (a)(6)(C), 235(b) and (c), and 237(a)(2) and (4) of the Immigration and Nationality Act. ICE prioritizes removable aliens who:

- 1) have been convicted of any criminal offense;
- 2) have been charged with a chargeable criminal offense;
- 3) have committed acts that constitute a chargeable criminal offense;
- 4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency;
- 5) have abused any program related to receipt of public benefits;
- 6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or 7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Question: What legislative changes could Congress make to give ICE more clarity about prosecutorial discretion?

Answer: Congress has defined ICE’s role and responsibility regarding the enforcement of the immigration laws of the United States. To that end, ICE executes its responsibility on a daily

basis effectively and with appropriate discretion. There is no need for legislative changes to provide additional clarity regarding ICE's use of prosecutorial discretion.

Sanctuary Cities

Background: Under current law, state and local jurisdictions cannot prohibit their law enforcement officers from communicating with ICE about the immigration status of individuals in their custody. The President's FY18 Budget proposes to significantly broaden current law surrounding "sanctuary jurisdictions."

Immigration enforcement is a federal responsibility: the local law enforcement is not and should not be the long arm of ICE. If it is perceived to be such, community cooperation with local law enforcement will be compromised. Some years ago, we let convicted criminals back on the street without determining their immigration status. Surely we want to prevent this from occurring, but I was troubled by language in the FY18 budget justification.

Question: What exactly does the Department have in mind in its proposed Budget language?

- Is ICE's intent that local jurisdictions should have to share "nationality, citizenship, removability, scheduled release date and time, home address, work address, and/or contact information" of someone picked up for a minor traffic incident?

Answer: It is ICE's intent that local law enforcement is not and should not be the long arm of ICE. Jurisdictions should share nationality, citizenship, removability, scheduled release date and time, home address, work address, contact information, and/or any other information that would lead to the apprehension or transfer into ICE custody of removable aliens arrested by a local jurisdiction.

- How far will the Department go to deny grant funding to so-called sanctuary cities?

Answer: The provision proposed in the Fiscal Year (FY) 2018 President's Budget would amend 8 U.S.C. 1373 as follows:

- 1) expand the scope to prevent state and local government officials from prohibiting or restricting any government law enforcement entity or official from complying with a lawful civil immigration detainer request; and
- 2) authorize the U.S. Department of Homeland Security (DHS) and the U.S. Department of Justice to condition certain grants and cooperative agreements on requirements that recipients agree to cooperate with specific Federal immigration enforcement activities and requests.

The subsection would specifically authorize DHS to require grant recipients to take certain active steps to cooperate with DHS, such as honoring lawful requests to communicate certain immigration enforcement-related information, or honoring lawful DHS requests to maintain custody of an alien or to provide notice to DHS prior to release of a particular alien.

Those grants and cooperative agreements that may be conditioned under the proposed provision are awards with a purpose related to immigration, national security, law enforcement, or preparing for and responding to acts of terrorism. The proposed provision would authorize DHS to require that grant and cooperative agreement applicants certify that they will comply with the requirements outlined in the provision, if the applicant receives an award. A certification requirement also would provide applicants with clear notice of this requirement. DHS would take appropriate action for recipients that did not comply with the condition, or improperly certified compliance, as it would for a recipient that violated any certification or term of their DHS grant award. Such action, depending on the circumstances, could include suspension or termination of the award, or disallowance of costs.

➤ What will the guiding criteria be to determine a sanctuary city?

Answer: The proposed provision does not use the term “sanctuary city,” or require DHS to designate jurisdictions as “sanctuary cities.” The proposed provision authorizes DHS to condition grants related to immigration, national security, law enforcement, or preparing for and responding to acts of terrorism on the recipient’s agreement to take certain active steps to cooperate with DHS, such as honoring lawful requests to communicate certain immigration enforcement-related information, or honoring lawful DHS requests to maintain custody of an alien or to provide notice to DHS prior to release of a particular alien. The specific actions recipients would need to take are outlined in the proposed statutory language. Action would only be taken against grant recipients who did not comply with the specific conditions authorized by the proposed provision.

Asylum Seekers

Background: Under the law, CBP agents are supposed to register asylum requests, take the individual into custody, and then direct them to an asylum officer to assess the validity of their claim. I have read that asylum seekers are instead told to sign documents stating that they aren’t admissible to our country before being turned away without receiving a credible-fear screening.

Question: 37. Have CBP agents been properly trained to comply with our laws to ensure the timely and humane processing of all asylum-seekers?

Answer: The men and women of CBP work tirelessly, compassionately, and with pride and professionalism to respond to the humanitarian crisis of individuals seeking protection. Their dedication and innovation led the whole of government response to the surge. CBP is tasked with protecting our Nation’s borders as well as enforcing numerous laws at and between our Nation’s ports of entry on behalf of a variety of other government agencies, including state and local law enforcement. CBP carries out its mission of border security while adhering to U.S. international obligations for protection of vulnerable and persecuted persons. DHS’s operational components also work together to ensure the asylum process is not abused.

It is CBP’s policy to treat all individuals in a professional manner and with dignity and respect, consistent with applicable U.S. laws. CBP takes allegations of employee misconduct very seriously and has long instituted policies pertaining to abuses of authority. Complaints are

recorded, investigated, and appropriate action is taken against CBP employees that are found to have violated policy.

The laws of the United States allow people to seek asylum on the grounds that they are being persecuted because of their race, religion, nationality, membership in a particular social group, or political opinion. CBP policies and procedures are based on these laws and are designed to protect vulnerable and persecuted persons.

Both U.S. Border Patrol (USBP) agents and Customs and Border Protection Officers (CBPOs) receive asylum training as part of their basic training programs. The material covers Credible Fear and Asylum. Within each training program there is a built-in evaluation process that analyzes module content to ensure alignment with applicable laws and field performance.

In the operational setting, supervisors and management provide oversight of operations and ensure legal requirements are met. To underscore the importance of its asylum responsibilities, CBP reissued guidance on this topic to all officers and agents in 2014 and again in May 2017.

In unusual circumstances, where the number of individuals at a particular port of entry is more than the facility can safely accommodate, travelers have had to wait to enter the facility. This process was designed to ensure the safety of officers and those being processed, and ensure our orderly and humane process is followed.

Question: 38. Can you please clarify what is happening to individuals who seek asylum along our nation's southern border?

Answer: CBP agents and officers do not make asylum eligibility determinations, weigh the strength of the claims, or make credibility determinations concerning detainee statements.

CBP has mechanisms in place to ensure that individuals who make a claim of fear or persecution are referred to an asylum officer for a credible fear determination. Generally, the individuals will be referred for detention by ICE's Enforcement and Removal Operations pending their credible fear interview by U.S. Citizenship and Immigration Services. During processing, they are asked specific questions regarding any fear they may have of returning to their country of origin. These answers are documented on the Record of Sworn Statement and Proceedings under Section 235(b)(1) of the Act (Form I-867A), Jurat for Record of Sworn Statement and Proceedings under Section 235(b)(1) of the Act (Form I-867B), and the Information about Credible Fear Interview Form (Form M-444), which remain a permanent part of the Alien File of each individual.

Family Separation

Background: In March, Secretary Kelly indicated that the Department is considering separating family units who are caught crossing the border together illegally. The DHS implementation memo for the President's border security executive order suggests that parents could even be prosecuted for human trafficking if they help facilitate the unlawful entry of their minor child into the United States.

I am concerned that our nation's foster youth system and the Office of Refugee Resettlement are overburdened and underfunded, and that HHS does not have the capacity to take on this task.

Question: 39. How are ICE and CBP executing the implementation memo?

ICE Answer: Family detention decisions are made on a case-by-case basis and depend on the specific circumstances involved and on applicable standards and court decisions. Ongoing litigation imposes some limitations on the Department's ability to comment comprehensively on family residential center operations; however, DHS understands the sensitive and unique nature of detaining families, and we are committed to continually evaluating our processes.

On February 20, 2017, Secretary Kelly issued two memoranda entitled, "Implementing the President's Border Security and Immigration Enforcement Improvements Policies" and "Enforcement of Immigration Laws to Serve the National Interest". Neither implementation guidance memo directs USBP agents or ICE officers to separate parents and children as a punitive or deterrent measure.

CBP Answer: CBP continues to follow the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and the Flores Settlement Agreement, including all implementing policies and procedures, to ensure all children, including unaccompanied alien children, are provided special protections to ensure that they are properly processed and receive the appropriate care and placement when they are encountered.

In addition, per the 2015 *CBP Transport, Escort, Detention and Search National Standards*, family unity is maintained to the greatest extent operationally feasible, absent a legal requirement or an articulable safety or security concern requiring separation.

Question: Has the Department ensured that field officers are appropriately trained on the requirements of ICE's Parental Interest Directive and on mechanisms to reunite family units?

Answer: Yes, ICE officers have been trained on the ICE Parental Interests Directive.

Question: Do individuals have opportunities to report family separation incidents?

Answer: Yes, detainees have numerous opportunities to report family separation incidents. ICE staff is available at detention facilities to receive these reports.

Additionally, ICE recently revised the Detention Reporting and Information Line (DRIL) poster to alert detainees that they can call the DRIL to obtain assistance in locating a separated child in the custody of U.S. Health and Human Services' Office of Refugee Resettlement. Stakeholders and family members also can report family separation issues to the Parental Interests mailbox at parental.interests@ice.dhs.gov.

Congressional Inquiries

Background: I am frustrated by the quality and timeliness of ICE's responses to congressional inquiries. The FY17 Omnibus included a provision requiring \$25 million being withheld from ICE's Operation and Supports account until the ICE Director submits a comprehensive plan to Congress for immigration data improvement.

Question: What specific measures will ICE take to improve transparency and timeliness of transmitting immigration data requests to Member's offices?

Answer: ICE has collaborated with the Department, the Office of Management and Budget (OMB), and Congress to improve its processes for providing quality and timely responses to congressional inquiries. Efforts have included the implementation of better internal tracking of requests from Members of Congress as they are received, as well as subsequent efforts to (1) secure the required information, (2) draft associated responses, and (3) coordinate with DHS and OMB, all on a deadline-driven basis to ensure the material is delivered to requesting Members as expeditiously as possible. ICE is also proceeding with systemic improvements through an Immigration Data Modernization plan, for which ICE briefed the House and Senate Appropriations Committees staff on June 26, 2017. ICE's efforts and briefing have been positively received and, as a consequence, the Committees subsequently agreed to lift the \$25 million withhold until the formal plan is received. ICE continues to be aware of congressional concerns and will maintain its efforts to provide accurate data as swiftly as possible.

ERO Custody Management Division Authorized Facility List

201 Authorized Facilities as of 06/26/2017

Source: IIDS as of 06/26/2017; EID data through 06/24/2017

NAME	AOR	TYPE	LAST INSPECTION STANDARD
STEWART DETENTION CENTER	ATL	IGSA	PBND5 2011
ADELANTO CORRECTIONAL FACILITY	LOS	IGSA	PBND5 2011
SOUTH TEXAS DETENTION COMPLEX	SNA	CDF	PBND5 2011
NORTHWEST DETENTION CENTER	SEA	CDF	PBND5 2011
ELOY FEDERAL CONTRACT FACILITY	PHO	IGSA	PBND5 2011
JENA/LASALLE DETENTION FACILITY	NOL	IGSA	PBND5 2011
PORT ISABEL	SNA	SPC	PBND5 2011
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	SND	CDF	PBND5 2011
HOUSTON CONTRACT DETENTION FACILITY	HOU	CDF	PBND5 2011
JOE CORLEY DETENTION FACILITY	HOU	IGSA	PBND5 2011
CCA, FLORENCE CORRECTIONAL CENTER	PHO	USMS IGA	PBND5 2008
OTERO COUNTY PROCESSING CENTER	ELP	IGSA	PBND5 2011
EL PASO SERVICE PROCESSING CENTER	ELP	SPC	PBND5 2011
DENVER CONTRACT DETENTION FACILITY	DEN	CDF	PBND5 2011
PINE PRAIRIE CORRECTIONAL CENTER	NOL	IGSA	PBND5 2011
IMMIGRATION CENTERS OF AMERICA FARMVILLE	WAS	IGSA	PBND5 2011
POLK COUNTY ADULT DETENTION FACILITY	HOU	IGSA	NDS
YORK COUNTY PRISON	PHI	IGSA	PBND5 2008
IRWIN COUNTY DETENTION CENTER	ATL	USMS IGA	PBND5 2008
ESSEX COUNTY CORRECTIONAL FACILITY	NEW	IGSA	PBND5 2011
IMPERIAL REGIONAL DETENTION FACILITY	SND	IGSA	PBND5 2011
BROWARD TRANSITIONAL CENTER	MIA	CDF	PBND5 2011
HUDSON COUNTY CORRECTIONAL CENTER	NYC	USMS IGA	PBND5 2008

KROME NORTH SERVICE PROCESSING CENTER	MIA	SPC	PBND 2011
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	BUF	SPC	PBND 2011
RIO GRANDE DETENTION CENTER	SNA	USMS IGA	PBND 2008
THEO LACY FACILITY	LOS	IGSA	PBND 2008
MESA VERDE DETENTION FACILITY	SFR	IGSA	PBND 2011
FLORENCE SERVICE PROCESSING CENTER	PHO	SPC	PBND 2011
WEST TEXAS DETENTION FACILITY	ELP	USMS IGA	NDS
LAREDO PROCESSING CENTER	SNA	USMS IGA	NDS
CIBOLA COUNTY CORRECTIONAL CENTER	ELP	IGSA	PBND 2011
ETOWAH COUNTY JAIL (ALABAMA)	NOL	USMS IGA	NDS
JAMES A. MUSICK FACILITY	LOS	IGSA	PBND 2008
GLADES COUNTY DETENTION CENTER	MIA	IGSA	NDS
ELIZABETH CONTRACT DETENTION FACILITY	NEW	CDF	PBND 2011
BAKER COUNTY SHERIFF'S OFFICE	MIA	IGSA	NDS
JOHNSON COUNTY LAW ENFORCEMENT CENTER	DAL	IGSA	NDS
HENDERSON DETENTION CENTER	SLC	USMS IGA	NDS
ROLLING PLAINS DETENTION CENTER	DAL	IGSA	PBND 2011
MCHENRY COUNTY CORRECTIONAL FACILITY	CHI	USMS IGA	NDS
PRAIRIELAND DETENTION FACILITY	DAL	IGSA	PBND 2011
TORRANCE COUNTY DETENTION FACILITY	ELP	USMS IGA	NDS
ATLANTA CITY DETENTION CENTER	ATL	USMS IGA	NDS
COASTAL BEND DETENTION FACILITY	HOU	USMS IGA	PBND 2008
BERGEN COUNTY JAIL	NYC	USMS IGA	NDS
CONTRA COSTA COUNTY JAIL WEST	SFR	USMS IGA	NDS
FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)	ATL	IGSA	PBND 2011
DODGE COUNTY JAIL	CHI	USMS IGA	NDS
PULASKI COUNTY JAIL	CHI	IGSA	PBND 2011
SAN LUIS REGIONAL DETENTION CENTER	PHO	USMS IGA	NDS
PIKE COUNTY CORRECTIONAL FACILITY	PHI	IGSA	PBND 2008
SUFFOLK COUNTY HOUSE OF CORRECTIONS	BOS	IGSA	NDS
KENOSHA COUNTY DETENTION CENTER	CHI	USMS IGA	NDS
CALHOUN COUNTY CORRECTIONAL CENTER	DET	IGSA	NDS
SHERBURNE COUNTY JAIL	SPM	USMS IGA	NDS

WORCESTER COUNTY JAIL	BAL	IGSA	NDS
BRISTOL COUNTY DETENTION CENTER	BOS	IGSA	PBND 2008
NEVADA SOUTHERN DETENTION CENTER	SLC	USMS IGA	PBND 2008
ORANGE COUNTY JAIL	NYC	IGSA	NDS
YUBA COUNTY JAIL	SFR	IGSA	NDS
TULSA COUNTY JAIL (DAVID L. MOSS JUSTICE CTR)	DAL	IGSA	NDS
BOONE COUNTY JAIL	CHI	USMS IGA	NDS
NORTHEAST OHIO CORRECTIONAL CTR (YOUNGSTOWN)	IDET	CDF	PBND 2011
RIO COSUMNES CORR. CENTER	SFR	IGSA	NDS
BUTLER COUNTY JAIL	DET	IGSA	NDS
PLYMOUTH COUNTY CORRECTIONAL FACILITY	BOS	IGSA	NDS
WESTERN TENNESSEE DETENTION FACILITY	NOL	USMS IGA	PBND 2008
WAKULLA COUNTY JAIL	MIA	IGSA	NDS
CHARLESTON COUNTY DETENTION CENTER	ATL	USMS IGA	NDS
STRAFFORD COUNTY CORRECTIONS	BOS	IGSA	PBND 2008
KANKAKEE COUNTY JAIL (JEROME COMBS DET CTR)	CHI	USMS IGA	NDS
OTERO COUNTY PRISON FACILITY	ELP	USMS IGA	NDS
FREEBORN COUNTY ADULT DETENTION CENTER	SPM	IGSA	NDS
DOUGLAS COUNTY DEPARTMENT OF CORRECTIONS	SPM	IGSA	PBND 2008
FRANKLIN COUNTY HOUSE OF CORRECTION	BOS	USMS IGA	NDS
HOWARD COUNTY DETENTION CENTER	BAL	IGSA	PBND 2011
HARDIN COUNTY JAIL	SPM	IGSA	NDS
VIRGINIA PENINSULA REGIONAL JAIL	WAS	USMS IGA	NDS
MONROE COUNTY DETENTION-DORM	DET	IGSA	NDS
SAINT CLAIR COUNTY JAIL	DET	IGSA	PBND 2008
SENECA COUNTY JAIL	DET	IGSA	NDS
MONROE COUNTY DETENTION CENTER	MIA	IGSA	PBND 2008
MARSHALL COUNTY JAIL	SPM	USMS IGA	NDS
MORGAN COUNTY ADULT DETENTION CENTER	CHI	IGSA	NDS
EAST HIDALGO DETENTION CENTER	SNA	USMS IGA	NDS
CHASE COUNTY DETENTION FACILITY	CHI	IGSA	NDS
CLAY COUNTY JAIL	CHI	USMS IGA	PBND 2008
CLINTON COUNTY CORRECTIONAL FACILITY	PHI	USMS IGA	NDS

GEAUGA COUNTY JAIL	DET	USMS IGA	NDS
HALL COUNTY DEPARTMENT OF CORRECTIONS	SPM	IGSA	NDS
ALLEN PARISH PUBLIC SAFETY COMPLEX	NOL	IGSA	PBND 2011
LA SALLE COUNTY REGIONAL DETENTION CENTER	SNA	USMS IGA	NDS
WEBB COUNTY DETENTION CENTER (CCA)	SNA	USMS IGA	NDS
FREDERICK COUNTY DETENTION CENTER	BAL	IGSA	NDS
YORK COUNTY DETENTION CENTER	ATL	USMS IGA	NDS
WILLACY CO. REGIONAL DETENTION FACILITY	SNA	USMS IGA	NDS
KARNES COUNTY CORRECTIONAL CENTER	SNA	USMS IGA	NDS
CARVER COUNTY JAIL	SPM	IGSA	NDS
BROOKS COUNTY DETENTION CENTER	SNA	USMS IGA	NDS
MORROW COUNTY CORRECTIONAL FACILITY	DET	IGSA	NDS
YAKIMA COUNTY DEPARTMENT OF CORRECTIONS	SEA	USMS IGA	NDS
ALBANY COUNTY JAIL	BUF	USMS IGA	NDS
DEKALB COUNTY DETENTION CENTER	NOL	USMS IGA	NDS
NORTHERN OREGON CORRECTIONAL FACILITY	SEA	IGSA	NDS
CAMBRIA COUNTY JAIL	PHI	USMS IGA	NDS
CHIPPEWA COUNTY SSM	DET	IGSA	NDS
MONTGOMERY COUNTY JAIL	CHI	IGSA	NDS
CLINTON COUNTY JAIL	BUF	USMS IGA	NDS
POLK COUNTY JAIL	SPM	USMS IGA	NDS
CALDWELL COUNTY DETENTION CENTER	CHI	IGSA	NDS
POTTAWATTAMIE COUNTY JAIL	SPM	USMS IGA	NDS
PLATTE COUNTY DETENTION CENTER	CHI	IGSA	NDS
EULESS CITY JAIL	DAL	IGSA	NDS
BEDFORD MUNICIPAL DETENTION CENTER	DAL	IGSA	NDS
CASS COUNTY JAIL	SPM	USMS IGA	NDS
CHRISTIAN COUNTY JAIL	CHI	IGSA	NDS
WASHOE COUNTY JAIL	SIC	USMS IGA	NDS
ALLEGANY COUNTY JAIL	BUF	IGSA	NDS
GRAND FORKS COUNTY CORRECTIONAL FACILITY	SPM	IGSA	NDS
SAINT TAMMANY PARISH JAIL	NOL	IGSA	NDS
ELMORE COUNTY JAIL	SIC	USMS IGA	NDS

BUTLER COUNTY JAIL	CHI	USMS IGA	NDS
LINCOLN COUNTY DETENTION CENTER	CHI	IGSA	NDS
VAL VERDE CORRECTIONAL FACILITY	SNA	USMS IGA	NDS
NOBLES COUNTY JAIL	SPM	IGSA	NDS
WAKE COUNTY SHERIFF DEPARTMENT	ATL	IGSA	NDS
COLLIER COUNTY NAPLES JAIL CENTER	MIA	IGSA	NDS
SOUTH CENTRAL REGIONAL JAIL	PHI	USMS IGA	NDS
SHAWNEE COUNTY DEPARTMENT OF CORRECTIONS	CHI	IGSA	NDS
LINN COUNTY JAIL	SPM	USMS IGA	NDS
WASHINGTON COUNTY JAIL (PURGATORY CORRECTIONAL)	SLC	USMS IGA	NDS
PHELPS COUNTY JAIL	SPM	USMS IGA	NDS
DAVIDSON COUNTY SHERIFF	NOL	IGSA	NDS
RAMSEY COUNTY ADULT DETENTION CENTER	SPM	USMS IGA	NDS
CHAUTAUQUA COUNTY JAIL	BUF	IGSA	NDS
COBB COUNTY JAIL	ATL	IGSA	NDS
DEARBORN POLICE DEPARTMENT	DET	IGSA	NDS
JEFFERSON COUNTY JAIL	SLC	IGSA	NDS
MINICASSIA DETENTION CENTER	SLC	IGSA	NDS
BALDWIN COUNTY CORRECTIONAL CENTER	NOL	IGSA	NDS
ERIE COUNTY JAIL	PHI	USMS IGA	NDS
WAYNE COUNTY JAIL	BUF	USMS IGA	NDS
CUMBERLAND COUNTY JAIL	BOS	USMS IGA	NDS
BURNET COUNTY JAIL	SNA	IGSA	NDS
HALL COUNTY JAIL	ATL	USMS IGA	NDS
RANDALL COUNTY JAIL	DAL	USMS IGA	NDS
MECKLENBURG COUNTY DETENTION CENTER NORTH	ATL	USMS IGA	NDS
DAKOTA COUNTY JAIL	SPM	USMS IGA	NDS
LEXINGTON COUNTY JAIL	ATL	USMS IGA	NDS
DELAWARE CO JAIL (GEORGE W. HILL)	PHI	USMS IGA	NDS
MARION COUNTY JAIL	CHI	USMS IGA	NDS
ALEXANDRIA CITY JAIL	WAS	USMS IGA	NDS
SEBASTIAN COUNTY DETENTION CENTER	NOL	USMS IGA	NDS
WHITFIELD COUNTY JAIL	ATL	IGSA	NDS

FORSYTH COUNTY JAIL	ATL	USMS IGA	NDS
GRAYSON COUNTY JAIL	CHI	USMS IGA	NDS
CASCADE COUNTY JAIL (MONTANA)	SLC	USMS IGA	NDS
PINELLAS COUNTY JAIL	MIA	USMS IGA	NDS
JOSEPHINE COUNTY JAIL	SEA	USMS IGA	NDS
ORANGE COUNTY JAIL	MIA	USMS IGA	NDS
LONOKE POLICE DEPARTMENT	NOL	IGSA	NDS
OLDHAM COUNTY JAIL	CHI	IGSA	NDS
ROCK ISLAND COUNTY CORRECTIONAL CENTER	CHI	USMS IGA	NDS
MONTGOMERY CITY JAIL	NOL	IGSA	NDS
FAYETTE COUNTY DETENTION CENTER	CHI	USMS IGA	NDS
NEW HANOVER COUNTY JAIL	ATL	IGSA	NDS
MILLER COUNTY JAIL	NOL	USMS IGA	NDS
EL PASO COUNTY CRIMINAL JUSTICE CENTER	DEN	IGSA	NDS
JACK HARWELL DETENTION CENTER	SNA	USMS IGA	NDS
LUBBOCK COUNTY DETENTION CENTER	DAL	USMS IGA	NDS
ROANOKE CITY JAIL	WAS	IGSA	NDS
ELGIN POLICE DEPARTMENT	CHI	IGSA	NDS
ROCKINGHAM COUNTY JAIL	WAS	USMS IGA	NDS
TELLER COUNTY JAIL	DEN	IGSA	NDS
NATRONA COUNTY JAIL	DEN	USMS IGA	NDS
CENTRAL TEXAS DETENTION FACILITY	SNA	USMS IGA	NDS
NORTHWEST STATE CORRECTIONAL CENTER	BOS	USMS IGA	NDS
ANCHORAGE CORRECTIONAL COMPLEX	SEA	USMS IGA	NDS
PENNINGTON COUNTY JAIL (SOUTH DAKOTA)	SPM	USMS IGA	NDS
LA PAZ COUNTY ADULT DETENTION FACILITY	PHO	USMS IGA	NDS
MOFFAT COUNTY JAIL	DEN	IGSA	NDS
ORANGE COUNTY INTAKE RELEASE FACILITY	LOS	IGSA	NDS
KENT COUNTY JAIL	IDET	IGSA	NDS
CABARRUS COUNTY JAIL	ATL	IGSA	NDS
GASTON COUNTY JAIL	ATL	IGSA	NDS
GLENDALE POLICE DEPARTMENT	LOS	IGSA	NDS
TOM GREEN COUNTY JAIL	DAL	USMS IGA	NDS

YAVAPAI COUNTY DETENTION CENTER	PHO	IGSA	NDS
DALE G. HAILE DETENTION CENTER	SLC	IGSA	NDS
PRINCE WILLIAM COUNTY CORRECTIONAL FACILITY	WAS	USMS IGA	NDS
SANGAMON COUNTY JAIL	CHI	USMS IGA	NDS
GARVIN COUNTY DETENTION CENTER	DAL	IGSA	NDS
NORTHERN REGIONAL JAIL	PHI	USMS IGA	NDS
CCA CENTRAL ARIZONA DETENTION CENTER	PHO	USMS IGA	PBND\$ 2008
FAIRFAX COUNTY ADULT DETENTION CENTER	WAS	USMS IGA	NDS
NORFOLK COUNTY JAIL	BOS	USMS IGA	NDS
SANTA CRUZ COUNTY JAIL	PHO	USMS IGA	NDS
TAYLOR COUNTY ADULT DETENTION FACILITY	DAL	IGSA	NDS
TITUS COUNTY JAIL	DAL	USMS IGA	NDS
BEAVER COUNTY JAIL	PHI	USMS IGA	

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